DANIELSON, Mr. RYAN, Mr. LEGGETT, Mr. STARK, Mr. BROWN of California, Mr. MOSS, Mr. DRINAN, Mr. EDWARDS of California, Mr. MOAKLEY, and Mr. VANDER JAGT):

H.R. 5752. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. WHITEHURST:

H.R. 5753. A bill to require the Secretary of the Interior to make a comprehensive study of the dolphin and porpoise for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

By Mr. WOLFF (for himself and Mr. GUNTER):

H.R. 5754. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. HELSTOSKI, Mr. ROSENTHAL, Mr. DELANEY, Mr. MOSS, Mr. ROYBAL, Mr. RANGEL, Mr. HARRINGTON, Mr. RODINO, and Mr. MOAKLEY):

H.R. 5755. A bill to suspend the importation of liquified natural gas and the construction of new storage facilities for such gas until such time as a thorough evaluation of the hazards associated with the marine transportation and the delivery and storage of such gas is made and other actions are taken to prevent or minimize such hazards; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 5756. A bill to prohibit the importation into the United States of commercially produced domestic dog and cat animal products; and to prohibit dog and cat animal products moving in interstate commerce; to the Committee on Ways and Means.

By Mr. CASEY of Texas:

H.J. Res. 437. Joint resolution to authorize the President to designate the period beginning April 15, 1973, as "National Clean Water Week"; to the Committee on the Judiciary.

By Mr. HOWARD (for himself, Mr. BIAGGI, Mr. CARNEY of Ohio, Mr. CARTER, Mr. CONLAN, Mr. COTTER, Mr. DORN, Mr. DULSKI, Mr. FINDLEY, Mr. GERALD R. FORD, Mr. WILLIAM D. FORD, Mr. FORSYTHE, Mr. GUDE, Mr. HAMILTON, Mr. HARRINGTON, Mr. HILLIS, Mr. KEMP, Mr. MATSUNAGA, Mr. MELCHER, Mr. O'HARA, Mr. PRICE of Illinois, Mr. REES, Mr. RODINO, Mr. STEIGER of Arizona, and Mr. THOMPSON of New Jersey):

H.J. Res. 438. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. McCORMACK:

H.J. Res. 439. Joint resolution designating the square dance as the national folk dance of the United Sates of America; to the Committee on the Judicary.

By Mr. REID (for himself and Mrs. MINK):

H.J. Res. 440. Joint resolution prescribing model regulations governing implementation of the provisions of the Social Security Act relating to the administration of social service programs; to the Committee on Ways and Means.

By Mr. DEVINE (for himself, Mr. CLANCY and Mr. HUNT):

H. Con. Res. 154. Concurrent resolution expressing the sense of the Congress with respect to the method of assessment of the financial obligation of each member State of the United Nations; to the Committee on Foreign Affairs.

By Mr. SEIBERLING:

H. Con. Res. 155. Concurrent resolution expressing the sense of Congress that the President should take the necessary steps to initiate service negotiations seeking agreement with the Soviet Union on a comprehensive ban on all nuclear test explosions, to work toward extension of a prohibition against nuclear testing to the other nuclear powers, including France and China, and to declare and observe an indefinite moratorium on all nuclear test explosions; to the Committee on Foreign Affairs.

By Mr. BINGHAM:

H. Res. 311. Resolution expressing the sense of the House of Representatives that the United States terminate its part in SEATO and CENTO; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARMSTRONG:

H.R. 5757. A bill for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Co.; to the Committee on the Judiciary.

By Mr. COTTER:

H.R. 5758. A bill for the relief of Gaspar Ramos; to the Committee on the Judiciary.

By Mr. DENHOLM:

H.R. 5759. A bill for the relief of Morena Stolsmark; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 5760. A bill to provide for the striking of medals commemorating the International Exposition on Environment at Spokane, Wash., in 1974; to the Committee on Banking and Currency.

By Mr. HELSTOSKI (by request):

H.R. 5761. A bill for the relief of Freddy G. Ascarrurez; to the Committee on the Judiciary.

H.R. 5762. A bill for the relief of Mr. and Mrs. Alejandro Jerez; to the Committee on the Judiciary.

H.R. 5763. A bill for the relief of Mr. Freddy Gonzalo Ortega (and Mrs.); to the Committee on the Judiciary.

H.R. 5764. A bill for the relief of Mr. and Mrs. Manuel Ortega; to the Committee on the Judiciary.

H.R. 5765. A bill for the relief of Mr. and Mrs. Sergio H. Savelli; to the Committee on the Judiciary.

H.R. 5766. A bill for the relief of Mr. and Mrs. Jorge Humberto Ubilla and daughter, Jacqueline; to the Committee on the Judiciary.

H.R. 5767. A bill for the relief of Mr. and Mrs. Henry Venegas Vilches; to the Committee on the Judiciary.

By Mr. CLAY:

H. Res. 312. Resolution to refer the bill H.R. 5010 to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

## PETITIONS, ETC

Under clause 1 of rule XXII,

64. The SPEAKER presented a petition of William Moyer, et al., Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

# SENATE—*Thursday, March 15, 1973*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

### PRAYER

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

Almighty and ever-living God, bless this Nation, and make it a blessing to the world. Grant to us sound government, just laws, good education, meaningful work, and pure religion. With each new day wilt Thou give us a new spirit. Give us clean hands and pure hearts fit for Thy service. Help us to work with patience and diligence for the new and better day toward which is the divine intention. May Thy plans become our plans that we may be willing channels of Thy redemptive purpose for all mankind.

We pray in the name of Jesus Christ our Lord. Amen.

## THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 14, 1973, be dispensed with.

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

## COMMITTEE MEETINGS DURING SENATE SESSION TODAY

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

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

## 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 the bill (S. 583) to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the Rules of Evidence for United States Courts and Magistrates, the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress, with amendments, in which it requested the concurrence of the Senate.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, as the designee of the majority leader, I yield back his time.

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

Mr. HELMS. No, Mr. President.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

Mr. ROBERT C. BYRD. Mr. President, I am authorized to ask that the time of the distinguished Senator from Montana (Mr. MANSFIELD), under the order, be reserved until later.

I ask unanimous consent that the distinguished Senator from Washington (Mr. JACKSON) now be recognized under the order.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a quorum call and that the time be charged against my time under the order.

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

The legislative clerk proceeded to call the roll.

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

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

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## JACK SPAIN, A VETERAN ADMINISTRATIVE ASSISTANT, RETIRES

Mr. ERVIN. Mr. President, on February 28, 1973, my administrative assistant, Jack Spain, who had ably filled important positions on Capitol Hill for more than 32 years, chose to retire.

Jack was born in Pitt County, N.C., received his early education in the public schools of Pitt County, and graduated from the University of North Carolina at Chapel Hill with a degree of bachelor of arts in 1923.

While a student at Chapel Hill, Jack was very active in extracurricular affairs. He held membership in the Phi Gamma Delta Fraternity and the Phi Assembly. He was chosen by his classmates to serve as a commencement marshal in his junior year. The University of North Carolina at Chapel Hill does not have a more devoted alumnus than Jack Spain.

After his graduation, he served as president of the North Carolina Alumni Association of Pitt County, and after coming to Washington, he served as president of the University of North Carolina Alumni Association of our Capital City.

Subsequent to his graduation from the University of North Carolina at Chapel Hill, Jack attended Judge Pell's Law School in Rocky Mount, N.C., was admitted to the North Carolina State Bar in August 1931, and practiced law at Greenville, N.C., from that time until November 5, 1940.

Before coming to Washington, Jack was active in the civic, political, and religious life of Greenville, Pitt County, and North Carolina. He served as prosecuting attorney in the Recorder's Court of Pitt County from December 1, 1932, to December 1, 1936, as a member of the City Council of Greenville from May 1, 1937, to May 1939, and as mayor of Greenville from May 1, 1939, until November 5, 1940.

He resigned as mayor on the date last mentioned to accept appointment as secretary to the late Congressman Herbert C. Bonner, who served the First Congressional District of North Carolina in the House of Representatives with great distinction, and remained in that position until January 3, 1945, when he became administrative assistant to my predecessor, Senator Clyde R. Hoey, whom he served until the latter's death on May 12, 1954.

When I took the oath of office as a U.S. Senator from North Carolina on June 11, 1954, I appointed Jack Spain my administrative assistant, and he served in this capacity with rare diligence and ability until he elected to retire for reasons of health.

After coming to Washington, Jack served in many capacities in addition to performing the exacting tasks devolving upon him as my administrative assistant. He served as president of the North Carolina Democratic Club of Washington in 1946, as president of the North Carolina Society of Washington, D.C., in 1956, as president of the Senate Administrative Assistants and Secretaries Association in 1956, as president of the Conference of State Societies in 1957, and as president of the Congressional Secretaries Club in 1962.

Under appointments given to him by Gov. Dan K. Moore and Robert W. Scott, he has served as a member of the North Carolina Battleship Commission from 1965 until the present moment.

In addition to these activities, Jack has been an active member of the First Christian Church of Greenville, N.C., and a dedicated member of the Scottish Rite Masons, where he has attained the 32d degree. He also holds membership in the Shrine, the Elks, and the Loyal Order of the Moose.

Jack was happily married to Marie Hardee of Greenville on December 14, 1929. This marriage has been blessed by two children, Frances Spain, the wife of Lee Holmes, an attorney of Washington, D.C., and Jack Spain, Jr., an attorney of Richmond, Va.

It is impossible for me to overmagnify the services which Jack Spain has rendered me in the capacity of administrative assistant. During the 32 years he has served in the offices of the late Congressman Bonner, the late Senator Hoey, and myself, he has done literally thousands of things for multitudes of people throughout North Carolina, and has thereby endeared himself to persons past numbering in his home State. The genial companionship which he has extended to all others who have labored on the Washington scene during his years here made him one of the most loved figures on Capitol Hill. As one who has been aided and benefited by his loyal service since June 11, 1954, I cannot find words adequate to express my gratitude to him. If I have been able to accomplish anything worth while in the office of Senator, it has been due in large measure to Jack Spain's devotion to duty, and untiring zeal in my service and in that of the people of North Carolina.

Mrs. Ervin and I have enjoyed the blessing of the loyal friendship of Jack and his wonderful wife, Marie, throughout our years in Washington, and will always treasure in our memories the many happy occasions on which we have been privileged to be with them.

I deeply regretted Jack's decision to retire. Mrs. Ervin join me in wishing for Jack and Marie all the good things which life affords in the days ahead. No persons of our acquaintance merit such things more.

Mr. HELMS. Mr. President, I desire to associate myself with my distinguished colleague's eloquent tribute to Jack Spain. I certainly share Senator ERVIN's regrets in seeing Jack depart from Washington. To say that he will be missed by his friends and associates is an understatement.

In all sincerity, I can think of no man who has meant more to the people of North Carolina than has Jack Spain during his long tenure in Washington. He is an efficient man, an always cheerful man, a man always willing to help others in need, and a citizen completely dedicated to the principles that made America great.

I first met Jack Spain when I came to Washington in late 1951 as administrative assistant to the late Senator Willis Smith. Jack was administrative assistant to the then senior Senator from North Carolina, Clyde R. Hoey. I could not begin to recite, Mr. President, the countless instances when Jack Spain took this bewildered country boy by the hand, and guided and assisted me in getting settled into my duties which were completely foreign to me.

Jack Spain is a great American. He is a great friend. The pleasure of associating with a man like him comes all too rarely, and I join my distinguished colleague (Mr. ERVIN) and Jack Spain's many other friends and associates in wishing him good health and continued happiness in retirement.

Mr. ROBERT C. BYRD. Mr. President, I am happy to join with the distinguished Senator from North Carolina (Mr. ERVIN) in paying tribute to Jack Spain, his administrative assistant upon the occasion of his retirement.

One positive aspect of retirement is the fact that Senators are afforded the opportunity to spotlight the individual staff members and give credit to their valuable services which they perform in helping us to carry out our multitudinous duties. Without their long hours, selfless devotion to duty and personal sacrifices, a Senator's role would indeed be difficult, if not impossible.

Jack Spain, who retired on February 28, 1973, is a prime example of the caliber of our valued staff aides. He has served continuously in the Senate since January 3, 1945, at which time he became the administrative assistant to the late and much beloved, Clyde R. Hoey of North Carolina. Upon the death of Senator Hoey, he assumed the same position with Senator ERVIN on June 11, 1954, a post he held with much distinction until this year.

Jack's background of service as an aide in the other body; as mayor, as solicitor, and as an attorney at law in his hometown of Greenville, N.C., uniquely qualified him to discharge his responsibilities in such an effective man-

ner over the years. The name of Jack Spain is known throughout Washington by the many people he has helped and worked with during his career.

I wish to say to Jack and to his charming and most gracious wife, Marie, that I wish you both the best of luck and God's blessings as you return to North Carolina. I know your many Washington friends, that you have made over the past 32 years, wish you well and will think of you often, not only for your valued friendship but for the many courtesies and help you have extended along the way.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, without prejudice to the distinguished Senator from Washington (Mr. JACKSON) or to any other Senators under orders previously entered, I may be recognized for not to exceed 3 minutes under my own order.

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

Mr. ROBERT C. BYRD. I yield 3 minutes to the distinguished Senator from California.

## MESSAGE FROM THE HOUSE ON S. 7

Mr. CRANSTON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 7.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to (S.7) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act, with the following table of contents, may be cited as the "Rehabilitation Act of 1973".

TABLE OF CONTENTS


Sec. 2. Declaration of purpose.
Sec. 3. Rehabilitation Services Administration.
Sec. 4. Advance funding.
Sec. 5. Joint funding.
Sec. 6. Consolidated rehabilitation plan.
Sec. 7. Definitions.
Sec. 8. Allotment percentage.
Sec. 9. Audit.
Sec. 10. Nonduplication.

TITLE I—VOCATIONAL REHABILITATION SERVICES

PART A—GENERAL PROVISIONS

Sec. 100. Declaration of purpose; authorization of appropriations.
Sec. 101. State plans.
Sec. 102. Individualized written rehabilitation program.
Sec. 103. Scope of vocational rehabilitation services.
Sec. 104. Non-Federal share for construction.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

Sec. 110. State allotments.
Sec. 111. Payments to States.
Sec. 112. Client assistance.

PART C—INNOVATIVE AND EXPANSION GRANTS

Sec. 120. State allotments.
Sec. 121. Payments to States.

TITLE II—COMPREHENSIVE REHABILITATION SERVICES

Sec. 200. Declaration of purpose; authorization of appropriations.
Sec. 201. State allotments.
Sec. 202. Payments to States.
Sec. 203. State programs.
Sec. 204. Special projects.
Sec. 205. Definition.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

Sec. 300. Declaration of purpose.
Sec. 301. Grants for construction, rehabilitation facilities.
Sec. 302. Vocational training services for handicapped individuals.
Sec. 303. Mortgage insurance for rehabilitation facilities.
Sec. 304. Annual interest grants for mortgages for rehabilitation facilities.
Sec. 305. Special projects and demonstrations.
Sec. 306. National Center for Deaf-Blind Youths and Adults.
Sec. 307. Rehabilitation Centers for Deaf Individuals.
Sec. 308. National Centers for Spinal Cord Injuries.
Sec. 309. Grants for services for end-stage renal disease.
Sec. 310. Rehabilitation services for older blind individuals.
Sec. 311. National Advisory Council on Rehabilitation of Handicapped Individuals.
Sec. 312. State advisory councils.
Sec. 313. General grant and contract requirements.

TITLE IV—RESEARCH AND TRAINING

Sec. 400. Declaration of purpose.
Sec. 401. Authorization of appropriations.
Sec. 402. Research.
Sec. 403. Training.
Sec. 404. Reports.

TITLE V—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

Sec. 500. Administration.
Sec. 501. Program and project evaluation.
Sec. 502. Obtaining information from Federal agencies.
Sec. 503. Authorization of appropriations.
Sec. 504. Reports.
Sec. 505. Sheltered workshop study.

TITLE VI—OFFICE FOR THE HANDICAPPED

Sec. 600. Establishment of Office.
Sec. 601. Function of Office.
Sec. 602. Authorization of appropriations.

TITLE VII—MISCELLANEOUS

Sec. 700. Effect on existing laws.
Sec. 701. Federal Interagency Committee on Handicapped Employees.
Sec. 702. National Commission on Transportation and Housing for Handicapped Individuals.
Sec. 703. Architectural and Transportation Barriers Compliance Board.
Sec. 704. Employment under Federal contracts.
Sec. 705. Nondiscrimination under Federal grants.


DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is to provide a statutory basis for the Rehabilitation Services Administration, to establish within the Department of Health, Education, and Welfare an Office for the Handicapped, and to authorize programs to—

(1) develop and implement comprehensive and continuing State plans for meeting the current and future needs for providing vocational rehabilitation services to handicapped individuals and to provide such services for the benefit of such individuals, serving first those with the most severe handicaps, so that they may prepare for and engage in gainful employment;

(2) evaluate the rehabilitation potential of handicapped individuals;

(3) develop, implement, and provide comprehensive rehabilitation services to meet the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible so that they may improve their ability to live with greater independence and self-sufficiency;

(4) assist in the construction and improvement of rehabilitation facilities;

(5) develop new and innovative methods of applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems and develop new and innovative methods of providing rehabilitation services to handicapped individuals through research, special projects, and demonstrations;

(6) initiate and expand services to groups of handicapped individuals (including those who are homebound and institutionalized) who have been underserved in the past;

(7) direct the conduct of various studies and experiments to focus on long-neglected problem areas;

(8) promote and expand employment opportunities in the public and private sectors for handicapped individuals and to place such individuals in employment;

(9) establish client assistance pilot projects;

(10) provide assistance for the purpose of increasing the number of rehabilitation personnel and increasing their skills through training; and

(11) evaluate existing approaches to architectural and transportation barriers confronting handicapped individuals, develop new such approaches, enforce statutory and regulatory standards and requirements regarding barrier-free construction of public facilities and study and develop solutions to existing housing and transportation barriers impeding handicapped individuals.

REHABILITATION SERVICES ADMINISTRATION

SEC. 3. (a) There shall be in the Department of Health, Education, and Welfare a Rehabilitation Services Administration which shall be administered by a Commissioner (hereinafter referred to as the "Commissioner"). The Commissioner shall carry out and administer all programs and direct the performance of all services for which authority is provided under titles I through IV of this Act.

(b) There shall be within such Administration a Division of Research, Training, and Evaluation, which shall be responsible for carrying out programs and projects under title IV of this Act. There shall be within such Division a Center for Technology Assessment and Application, which shall be responsible for developing and supporting, and stimulating the development and utilization (including production and distribution of new and existing devices) of, innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems, and for administration of the activities described in section 402(b)(2). Such Division shall be directed by an Assistant Commissioner, who shall be responsible to the Commissioner and shall be a person of outstanding scientific and technological achievement and learning and shall carry out his responsibilities in consultation with the National Science Foundation and the National Academy of Sciences, and shall be assigned at least ten full-time positions, five of which shall be filled by professionals of qualifications similar to the Assistant Commissioner.

(c) The Secretary shall take whatever action is necessary to insure that funds appropriated pursuant to this Act, as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–

42), are expended only for the programs, personnel, and administration of programs carried out under this Act.

(d) In order to carry out the purposes of this Act, the authorized level of full-time personnel, or the equivalent, assigned to the Rehabilitation Services Administration to carry out duties related to the administration of this Act, is increased by sixty.

ADVANCE FUNDING

SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

JOINT FUNDING

SEC. 5. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Rehabilitation Service Administration, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements of the administering agency under or pursuant to this Act.

CONSOLIDATED REHABILITATION PLAN

SEC. 6. (a) In order to secure increased flexibility to respond to the varying needs and local conditions within the State, and in order to permit more effective and interrelated planning and operation of its rehabilitation programs, the State may submit a consolidated rehabilitation plan which includes the State's plan under section 101(a) of this Act and its program for persons with developmental disabilities under the Developmental Disabilities Services and Facilities Construction Amendments of 1970, provided the agency administering such State's program under such Act occurs in the submission of such a consolidated rehabilitation plan.

(b) Such a consolidated rehabilitation plan must comply with, and be administered in accordance with, all the requirements of this Act and the Developmental Disabilities Services and Facilities Construction Amendments of 1970. If the Secretary finds that all such requirements are satisfied, he may approve the plan to serve in all respects as the substitute for the separate plans which would otherwise be required with respect to each of the programs included therein, or he may advise the State to submit separate plans for such programs.

(c) Findings of noncompliance in the administration of an approved consolidated rehabilitation plan, and any reductions, suspensions, or terminations of assistance as a result thereof, shall be carried out in accordance with the procedures set forth in subsections (c) and (d) of section 101 of this Act.

DEFINITIONS

SEC. 7. For the purposes of this Act:

(1) The term "comprehensive rehabilitation services" means vocational rehabilitation services and any other goods (including aids and devices) or services provided with funds under title II, III, or IV of this Act that will make a substantial contribution in helping a handicapped individual to improve his ability to live independently or function normally with his family and community.

(2) The term "construction" means the construction of new buildings, the acquisition, expansion, remodeling, alteration, and renovation of existing buildings and initial equipment of such buildings, and the term "cost of construction" includes architects' fees and acquisition of land in connection with construction but does not include the cost of offsite improvements.

(3) The term "criminal act" means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.

(4) The term "establishment of a rehabilitation facility" means the acquisition, expansion, remodeling, or alteration of existing buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Commissioner may determine, in accordance with regulations he shall prescribe, in order to prevent impairment of the objectives of, or duplications of, other Federal laws providing Federal assistance in the construction of such facilities), and the initial equipment for such buildings, and may include the initial staffing thereof.

(5) The term "evaluation of rehabilitation potential" means, as appropriate in each case:

(A) a preliminary diagnostic study to determine that the individual has a substantial handicap to employment, and that vocational or comprehensive rehabilitation services are needed;

(B) a diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

(C) an appraisal of the individual's patterns of work behavior and ability to acquire occupational skill, and to develop work attitudes, work habits, work tolerance, and social behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(D) any other goods or services provided for the purpose of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services or comprehensive rehabilitation services;

(E) referral;

(F) the administration of these evaluation services; and

(G) (i) the provision of vocational rehabilitation services or the provision of comprehensive rehabilitation services to any individual for a total period not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual, a handicapped individual for whom a vocational goal is not possible or feasible (as determined in accordance with section 102(c)), or neither such individual; and (ii) an assessment, at least once in every ninety-day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subclause (i) may be made.

(6) The term "Federal share" means 80 per centum, except that it shall mean 90 per centum for the purposes of part C of title I and title II of this Act and section 301: Provided, That with respect to payments pursuant to part B of title I of this Act to any State which are used to meet the costs of construction of those rehabilitation facilities identified in section 103(b)(2) in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 301(b)(3) applicable with respect to that State and that, for the purpose of determining the non-Federal share with respect to any State, expenditures by a political subdivision thereof or by a local agency shall, subject to such limitations and conditions as the Commissioner shall by regulation prescribe, be regarded as expenditure by such State.

(7) The term "handicapped individual" means any individual who (A) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment and (B) can reasonably be expected to benefit from vocational rehabilitation services or comprehensive rehabilitation services provided pursuant to title II, III, or IV of this Act.

(8) The term "local agency" means an agency of a unit of general local government or of an Indian tribal organization (or combination of such units or organizations) which has an agreement with the State agency designated pursuant to section 101(a)(1) to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 101. Nothing in the preceding sentence of this paragraph or in section 101 shall be construed to prevent the local agency from utilizing another local public or nonprofit agency to provide vocational or comprehensive rehabilitation services: Provided, That such an arrangement is made part of the agreement specified in this paragraph.

(9) The term "nonprofit," when used with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully in re, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(10) The term "public safety officer" means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to—

(A) the enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the National Guard or the Armed Forces.

(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees,

(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

(D) firefighting, fire prevention, or emergency rescue missions.

(11) The term "rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation or comprehensive rehabilitation

services to handicapped individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (A) vocational and comprehensive rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (B) testing, fitting, or training in the use of prosthetic and orthotic devices, (C) prevocational conditioning or recreational therapy, (D) physical and occupational therapy, (E) speech and hearing therapy, (F) psychological and social services, (G) evaluation of rehabilitation potential, (H) personal and work adjustment, (I) vocational training with a view toward career and advancement (in combination with other rehabilitation services), (J) evaluation or control of specific disabilities, (K) orientation and mobility services to the blind, and (L) extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market, except that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

(12) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

(13) The term "severe handicap" means the disability which requires multiple services over an extended period of time and results from amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure and any other disability, specified by the Commissioner in regulations he shall prescribe.

(14) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, and for the purposes of American Samoa and the Trust Territory of the Pacific Islands, the appropriate State agency designated as provided in section 101(a)(1) shall be Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be.

(15) The term "vocational rehabilitation services" means those services identified in section 103 which are provided to handicapped individuals under this Act.

ALLOTMENT PERCENTAGE

SEC. 8. (a)(1) The allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum.

(2) The allotment percentages shall be promulgated by the Commissioner between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning on the July 1 next succeeding such promulgation.

(3) The term "United States" means (but only for purposes of this subsection) the fifty States and the District of Columbia.

(b) The population of the several States and of the United States shall be determined on the basis of the most recent data available, to be furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

AUDIT

SEC. 9. Each recipient of a grant or contract under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or funds thereunder used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant or contract under this Act which are pertinent to such grant or contract.

NONDUPLICATION

SEC. 10. In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 101 or for the purposes of providing comprehensive rehabilitation services pursuant to title II of this Act, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any other provision of law, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds. No payment may be made from funds provided under one provision of this Act relating to any cost with respect to which any payment is made under any other provision of this Act.

TITLE I—VOCATIONAL REHABILITATION SERVICES

PART A—GENERAL PROVISIONS

DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

SEC. 100. (a) The purpose of this title is to authorize grants to assist States to meet the current and future needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities.

(b)(1) For the purpose of making grants to States under part B of this title to assist them in meeting costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $700,000,000 for the fiscal year ending June 30, 1973, and $800,000,000 for the fiscal year ending June 30, 1974.

(2) For the purpose of making grants under section 120, relating to grants to States and public and nonprofit agencies to assist them in meeting the costs of projects to initiate or expand services to handicapped individuals (especially those with the most severe handicaps) there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

STATE PLANS

SEC. 101.(a) For each fiscal year in which a State desires to participate in programs under this title and pursuant to title II of this Act, a State shall submit to the Commissioner for his approval an annual plan for vocational and comprehensive rehabilitation services which shall—

(1)(A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration by a local agency, except that (i) where under the State's law the State agency for the blind or other agency which provides assistance or services to the adult blind, is authorized to provide vocational and comprehensive rehabilitation services to such individuals, such agency may be designated as the sole State agency to administer the part of the plan under which vocational and comprehensive rehabilitation services are provided for the blind (or to supervise the administration of such part by a local agency) and a separate State agency may be designated as the sole State agency with respect to the rest of the State or with a local agency in order upon the request of a State, may authorize such agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit such agencies to carry out a joint program to provide services to handicapped individuals, and may waive compliance with respect to vocational rehabilitatiton services furnished under such programs with the requirement of clause (4) of this subsection that the plan be in effect in all political subdivisions of the State;

(B) provide that the State agency so designated to administer or supervise the administratiton of the State plan, or (if there are two State agencies designated under subclause (A) of this clause) to supervise or administer the part of the State plan that does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency which includes at least two other major organizational units each of which administers one or more of the major public education, public health, public welfare, or labor programs of the State;

(2) provide, except in the case of agencies described in clause (1)(B)(1)—

(A) that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, and is responsible for the vocatitonal rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full itme on such work; and

(B)(i) that such unit shall be located at an organizational level and shall have an organizational status within such State agency comparable to that of other major organizational units of such agency, or (ii) in the case of an agency described in clause (1)(B)(ii), either that such unit shall be so located and have such status, or that the director of such unit shall be the executive officer of such State agency; except that, in the case of a State which has designated only one State agency pursuant to clause (1) of this subsection, such State may, if it so desires, assign responsibility for the part of the plan under which vocational and comprehensive rehabilitation services are provided for the blind to one organizational unit of such agency and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provisions of this clause applying separately to each of such units;

(3) provide for financial participation by the State, or if the State so elects, by the State and local agencies to meet the amount of the non-Federal share;

(4) provide that the plan shall be in effect in all political subdivisions, except that in the case of any activity which, in the judgment of the Commissioner, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of handicapped individuals or groups of handicapped individuals the Commissioner may waive compliance with the requirement herein that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, but only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a local agency (including, to the extent permitted by such regulations, funds contributed to such agency by a private agency, organization, or individual);

(5)(A) contain the plans, policies, and methods to be followed in carrying out the State plan and in its administration and supervision, including a description of the method to be used to expand and improve services to handicapped individuals with the most severe handicaps; and, in the event that vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply for such services, show (i) the order to be followed in selecting individuals to whom vocational rehabilitation services will be provided, and show the order to be followed in selecting individuals to whom comprehensive rehabilitation services will be provided, and (ii) the outcomes and service goals, and the time within which they may be achieved, for the rehabilitation of such individuals, which order of selection for the provision of vocational rehabilitation services shall be determined on the basis of serving first those individuals with the most severe handicaps and shall be consistent with priorities in such order of selection so determined, and outcome and service goals for serving handicapped individuals, established in regulations prescribed by the Commissioner, and

(B) provide satisfactory assurances to the Commissioner that the State has studied and considered a broad variety of means for providing services to individuals with the most severe handicaps;

(6)(A) contain the plans, policies, and methods to be followed in providing comprehensive rehabilitation services pursuant to title II of this Act, and

(B) provide satisfactory assurances that no such comprehensive rehabilitation services shall be paid for with funds under title II of this Act unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such services;

(7) provide for such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Commissioner to be necessary for the proper and efficient administration of the plan;

(8) contain (A) provisions relating to the establishment and maintenance of personnel standards, which are consistent with any State licensure laws and regulations, including provisions relating to the tenure, selection, appointment, and qualifications of personnel, and (B) provisions relating to the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of vocational and comprehensive rehabilitation services, but the Commissioner shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provisions;

(9) provide, at a minimum, for the provision of the vocational rehabilitation services specified in clauses (1) through (3) of subsection (a) of section 103, and the remainder of such services specified in such section after full consideration of eligibility for similar benefits under any other program, except that, in the case of the vocational rehabilitation services specified in clauses (4) and (5) of subsection (a) of such section, such consideration shall not be required where it would delay the provisions of such services to any individual;

(10 provide that (A) an individualized written rehabilitation program meeting the requirements of section 102 will be developed for each handicapped individual eligible for vocational or comprehensive rehabilitation services under this Act, (B) such services will be provided under the plan in accordance with such program, and (C) records of the characteristics of each applicant will be kept specifying, as to those individuals who apply for services under this title or pursuant to title II of this Act and are determined not to be eligible therefor, the reasons for such determinations;

(11) provide that the State agency will make such reports in such form, containing such information (including the data described in subclause (C) of clause (10) of this subsection, periodic estimates of the population of handicapped individuals eligible for services under this Act in such State, specifications of the number of such individuals who will be served with funds provided under this Act and the outcomes and service goals to be achieved for such individuals in each priority category specified in accordance with clause (5) of this subsection, and the service costs for each such category), and at such time as the Commissioner may require to carry out his functions under this title, and comply with such provisions as he may find necessary to assure the correctness and verification of such reports;

(12) provide for entering into cooperative arrangements with, and the utilization of the services and facilities of, the State agencies administering the State's public assistance programs, other programs for handicapped individuals, veterans programs, manpower programs, and public employment offices, and the Social Security Administration of the Department of Health, Education, and Welfare, the Veterans' Administration, and other Federal, State, and local public agencies providing services related to the rehabilitation of handicapped individuals;

(13) provide satisfactory assurances to the Commissioner that, in the provision of vocational rehabilitation and comprehensive rehabilitation services, maximum utilization shall be made of public or other vocational or technical training facilities or other appropriate resources in the community;

(14)(A) provide that vocational rehabilitation and comprehensive rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the performance of his duty on the same terms and conditions as apply to other persons, and

(B) provide that special consideration will be given to the rehabilitation under this Act of a handicapped individual whose handicapping condition arises from a disability sustained in the line of duty while such individual was performing as a public safety officer and the proximate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities;

(15) provide that no residence requirement will be imposed which excludes from services under the plan any individual who is present in the State;

(16) provide for continuing statewide studies of the needs of handicapped individuals and how these needs may be most effectively met (including the State's needs for rehabilitation facilities) with a view toward the relative need for services to significant segments of the population of handicapped individuals and the need for expansion of services to those individuals with the most severe handicaps;

(17) provide for (A) periodic review and reevaluation of the status of handicapped individuals placed in extended employment in rehabilitation facilities (including workshops) to determine the feasibility of their employment, or training for employment, in the competitive labor market, and (B) maximum efforts to place such individuals in such employment or training whenever it is determined to be feasible;

(18) provide that where such State plan includes provisions for the construction of rehabilitation facilities—

(A) the Federal share of the cost of construction thereof for a fiscal year will not exceed an amount equal to 10 per centum of the State's allotment for such year,

(B) the provisions of section 313 shall be applicable to such construction and such provisions shall be deemed to apply to such construction, and

(C) there shall be compliance with regulations the Commissioner shall prescribe designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services (other than for the establishment of rehabilitation facilities) because its plan includes such provisions for construction;

(19) provide satisfactory assurances to the Commissioner that the State agency designated pursuant to clause (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of individuals and groups thereof who are recipients of vocational or comprehensive rehabilitation services (or, in appropriate cases, their parents or guardians), working in the field of vocational rehabilitation, and providers of vocational and comprehensive rehabilitation services; and

(20) provide satisfactory assurances to the Commissioner that the continuing studies required under clause (16) of this subsection, as well as an annual evaluation of the effectiveness of the program in meeting the goals and priorities set forth in the plan, will form the basis for the submission, from time to time as the Commission may require, of appropriate amendments to the plan.

(b) The Commissioner shall approve any plan which he finds fulfills the conditions specified in subsection (a) of this section, and he shall disapprove any plan which does not fulfill such conditions. Prior to such disapproval, the Commissioner shall notify a State of his intention to disapprove its plan, and he shall afford such State reasonable notice and opportunity for hearing.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency adminstering or supervising the administration of the State plan approved under this section, finds that—

(1) the plan has been so changed that it no longer complies with the requirements of subsection (a) of this section; or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that such further payments will be reduced in accordance with regulations the Commissioner shall prescribe, or that further payments will not be made to the States only for the projects under the parts of the State plan affected by such failure), until he is satisfied there is no longer any such failure. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to projects under those

parts of the State plan in which there is no such failure).

(d) If any State is dissatisfied with the Commissioner's action under subsection (b) or (c) of this section, such State may appeal to the United States district court for the district where the capital of such State is located and judicial review of such action shall be on the record in accordance with the provisions of chapter 7 of title 5, United States Code.

INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM

SEC. 102. (a) The Commissioner shall insure that the individualized written rehabilitation program required by section 101 (a) (10) in the case of each handicapped individual is developed jointly by the vocational rehabilitation counselor or coordinator and the handicapped individual (or, in appropriate cases, his parents or guardians), and that such program meets the requirements set forth in subsection (b) of this section. Such written program shall set forth the terms and conditions, as well as the rights and remedies, under which goods and services will be provided to the individual.

(b) Each individualized written rehabilitation program shall be reviewed on an annual basis at which time each such individual (or, in appropriate cases, his parents or guardians) will be afforded an opportunity to review such program and renegotiate its terms. Such program shall include, but not be limited to (1) a statement of long-range rehabilitation goals for the individual and intermediate rehabilitation objectives related to the attainment of such goals, (2) a statement of the specific vocational or comprehensive rehabilitation services to be provided, (3) the projected date for the initiation and the anticipated duration of each such service, (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and, (5) where appropriate, a detailed explanation of the availability of a client assistance project established in such area pursuant to section 112.

(c) The Commissioner shall also insure that (1) in developing and carrying out the individualized written rehabilitation program required by section 101 in the case of each handicapped individual primary emphasis is placed upon the determination and achievement of a vocational goal for such individual, (2) a decision that such an individual is not capable of achieving such a goal, and thus not eligible for vocational rehabilitation services provided with assistance under this part, is made only in full consultation with such individual (or, in appropriate cases, his parents or guardians), and only upon the certification, as an amendment to such written program, that the evaluation of rehabilitation potential has demonstrated beyond any reasonable doubt that such individual is not then capable of achieving such a goal, and (3) any such decision shall be reviewed at least annually in accordance with the procedure and criteria established in this section.

SCOPE OF VOCATIONAL REHABILITATION SERVICES

SEC. 103. (a) Vocational rehabilitation services provided under this Act are any goods or services necessary to render a handicapped individual employable, including, but not limited to, the following:

(1) evaluation of rehabilitation potential, including diagnostic and related services, incidental to the determination of eligibility for, and the nature and scope of, services to be provided, including, where appropriate, examination by a physician skilled in the diagnosis and treatment of emotional disorders, or by a licensed psychologist in accordance with State laws and regulations, or both;

(2) counseling, guidance, referral, and placement services for handicapped individuals, including follow-up, follow-along, and other postemployment services necessary to assist such individuals to maintain their employment and services designed to help handicapped individuals secure needed services from other agencies, where such services are not available under this Act;

(3) vocational and other training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials, and services to the families of such individuals as are necessary to the adjustment or rehabilitation of such individuals: *Provided*, That no training services in institutions of higher education shall be paid for with funds under this title or title II of this Act unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training;

(4) physical and mental restoration services, including, but not limited to, (A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (B) necessary hospitalization in connection with surgery or treatment, (C) prosthetic and orthotic devices, (D) eyeglasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select, (E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals suffering from end-stage renal disease, and (F) diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist in accordance with State licensure laws;

(5) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(6) interpreter services for the deaf, and reader services for those individuals determined to be blind after an examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select;

(7) recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment;

(8) rehabilitation teaching services and orientation and mobility services for the blind;

(9) occupational licenses, tools, equipment, and initial stocks and supplies;

(10) transportation in connection with the rendering of any vocational rehabilitation service; and

(11) telecommunications, sensory, and other technological aids and devices.

(b) Vocational rehabilitation services, when provided for the benefit of groups of individuals, may also include the following:

(1) in the case of any type of small business operated by individuals with the most severe handicaps the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, alone or together with the acquisition by the State agency of vending facilities or other equipment and initial stocks and supplies; and

(2) the construction or establishment of public or nonprofit rehabilitation facilities and the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the individualized rehabilitation written program of any one handicapped individual.

NON-FEDERAL SHARE FOR CONSTRUCTION

SEC. 105. For the purpose of determining the amount of payments to States for carrying out part B of this title, the non-Federal share, subject to such limitations and conditions as may be prescribed in regulations by the Commissioner, shall include contributions of funds made by any private agency, organization, or individual to a State or local agency to assist in meeting the costs of construction or establishment of a public or nonprofit rehabilitation facility, which would be regarded as State or local funds except for the condition, imposed by the contributor, limiting use of such funds to construction or establishment of such facility.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

STATE ALLOTMENTS

SEC. 110. (a) For each fiscal year, each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated under subsection (b) (1) of section 100 for allotment under this section as the product of (1) the population of the State and (2) the square of its allotment percentage bears to the sum of the corresponding products for all the States. The allotment to any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) under the first sentence of this subsection for any fiscal year which is less than one-quarter of 1 per centum of the amount appropriated under section 100 (b) (1), or $2,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining such States under the first sentence of this subsection, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this title, he shall make such amount available for carrying out the purposes of this title to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 111. (a) From each State's allotment under this part for any fiscal year, the Commissioner shall pay to such State an amount equal to the Federal share of the cost of vocational rehabilitation services under the plan for such State approved under section 101, including expenditures for the administration of the State plan, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) of section 110 for such year and such payments shall not be made in an amount which would result in a violation of the provisions of the State plan required by clause (18) of section 101(a), and except that the total of such payments to any State receiving a minimum allotment under section 110(a) of this title, shall not be less than such minimum allotment, the total of the increases thereby required being derived by proportionately reducing the payments to each of the remaining States under this section, and except that the amount otherwise payable to such State for such year under this section shall be reduced by the

amount (if any) by which expenditures from non-Federal sources during such year under this title are less than expenditures under the State plan for the fiscal year ending June 30, 1972, under the Vocational Rehabilitation Act.

(b) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

(1) The Commissioner shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid by each State under the provisions of such subsection for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Commissioner may find necessary.

(2) The Commissioner shall pay, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such subsection was greater or less than the amount which should have been paid to the State for such prior period under such subsection. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Commissioner may determine.

CLIENT ASSISTANCE

SEC. 112. (a) The Commissioner shall set aside out of funds appropriated under section 305 for special projects and demonstrations up to $2,500,000 but no less than $1,000,000 for the fiscal year ending on June 30, 1973, and up to $5,000,000 but no less than $1,000,000 each for the two succeeding fiscal years to establish in no less than ten nor more than twenty geographically dispersed regions client assistance pilot projects (hereinafter in this section referred to as "projects") to provide counselors to inform and advise all clients and client applicants in the project area of all available benefits under this Act and to assist them in their relationships with projects, programs, and facilities providing services to them under this Act.

(b) The Commissioner shall prescribe regulations which shall include the following requirements:

(1) All employees of such projects shall not be presently serving as staff, consultants or receiving benefits of any kind directly or indirectly from any rehabilitation project, program or facility.

(2) The staff of such projects shall be afforded reasonable access to policymaking and administrative personnel in State and local rehabilitation programs, projects, and facilities.

(3) The project shall submit an annual report, through the State agency designated pursuant to section 101, to the Commissioner on the operation of the project during the previous year, including a summary of the work done and a uniform statistical tabulation of all cases handled by such project. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Commissioner, together with a summary of such reports and his evaluation of such projects including appropriate recommendations.

(4) Each State agency may enter into cooperative arrangements with institutions of higher education to secure the services in such projects of graduate students who are undergoing clinical training activities in related fields. No compensation with funds appropriated under this Act shall be provided to such students.

(5) Reasonable assurance shall be given by the appropriate State agency that all clients or client applicants within the project area shall have the opportunity to receive adequate service under the project and shall not be pressured against or otherwise discouraged from availing themselves of the services available under such project.

(6) The project shall be funded, administered, and operated directly by the State agency designated pursuant to section 101.

PART C—INNOVATION AND EXPANSION GRANTS

STATE ALLOTMENTS

SEC. 120. (a)(1) From the sums available pursuant to section 100(b)(2) for any fiscal year for grants to States to assist them in meeting the costs described in section 121, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of the State bears to the population of all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $50,000 (or such other amount as may be specified as a minimum allotment in the Act appropriating such sums for such year) shall be increased to that amount, and for the fiscal years ending June 30, 1973, and June 30, 1974, no State shall receive less than the amount necessary to cover up to 90 per centum of the cost of continuing projects assisted under section 4(a)(2)(A) of the Vocational Rehabilitation Act, except that no such project may receive financial assistance under both the Vocational Rehabilitation Act and this Act for a total period of time in excess of three years. The total of the increase required by the preceding sentence shall be derived by proportionately reducing the allotments to each of the remaining States under the first sentence of this section, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from thereby being reduced to less than $50,000.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 121. (a) From each State's allotment under this part for any final year, the Commissioner shall pay to such State or, at the option of the State agency designated pursuant to section 101(a)(1), to a public or nonprofit organization or agency, a portion of the cost of planning, preparing for, and initiating special programs under the State plan approved pursuant to section 101 to expand vocational rehabilitation services, including programs to initiate or expand such services to individuals with the most severe handicaps, or of special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual and difficult problems in connection with their rehabilitation, particularly handicapped individuals who are poor, and responsibility for whose treatment, education, and rehabilitation is shared by the State agency designated in section 101 with other agencies. The Commissioner may require that any portion of a State's allotment under this section, but not more than 50 per centum of such allotment, may be expended in connection with only such projects as have first been approved by the Commissioner. Any grant of funds under this section which will be used for direct services to handicapped individuals or for establishing or maintaining facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency designated pursuant to section 101.

(b) Payments under this section with respect to any project may be made for a period of not to exceed three years beginning with the commencement of the project as approved, and sums appropriated for grants under this section shall remain available for such grants through the fiscal year ending June 30, 1978. Payments with respect to any project may not exceed 90 per centum of the cost of such project. The non-Federal share of the cost of a project may be in cash or in kind and may include funds spent for project purposes by a cooperating public or nonprofit agency provided that it is not included as a cost in any other federally financed program.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Commissioner, and shall be made on such conditions as the Commissioner finds necessary to carry out the purposes of this section.

TITLE II—COMPREHENSIVE REHABILITATION SERVICES

DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

SEC. 200. (a) The purpose of this title is to authorize grants (supplementary to grants for vocational rehabilitation services under title I of this Act) to assist the several States in developing and implementing continuing plans for meeting the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible, including the assessment of disability and rehabilitation potential, and for the training of specialized personnel needed for the provision of services to such individuals and research related thereto.

(b) In order to make grants to carry out the purposes of this title, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975.

STATE ALLOTMENTS

SEC. 201. (a) From sums appropriated to carry out the provisions of this title for each fiscal year, less the amounts reserved by the Commissioner for projects under section 204, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the product of (1) the population of the State, and (2) its allotment percentage bears to the sum of the corresponding products for all of the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $150,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States to the extent he determines such other State will be able to use additional amounts during such year for carrying out such purpose. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purpose of this title, be regarded as an increase in the State's allotment (as determined under the preceding provisions of this section) for such year.

(c) In any fiscal year for which appropriations pursuant to this section do not exceed $20,000,000, the Commissioner, subsections (a) and (b) of this section and section 202(a) to the contrary notwithstanding and subject to the provisions of section 313, shall carry out the purposes of this title by making grants to States and public or nonprofit organizations and agencies to pay the Federal share of the expenditures for such projects. Projects receiving such grants shall be carried out under the State plan approved under section 101 (except for the priorities in the order of selection required by section 101(a)(5)(A)) in a manner consistent with the State program submitted under section 203.

PAYMENTS TO STATES

SEC. 202. (a) From each State's allotment under this title for any fiscal year, the Commissioner shall pay to such State the Federal share of the expenditures incurred during such year under its State program submitted under section 203 and approved as part of the State plan approved under section 101. Such payments may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

(b) The Federal share with respect to any State shall be 90 per centum of the expenditures incurred by the State during such year under its State program submitted under section 203 and approved as part of the State plan under section 101.

STATE PROGRAMS

SEC. 203. As a condition for receiving grants under this Act for the fiscal year ending June 30, 1973, a State must submit within one hundred and eighty days after the date of enactment of this Act an amendment to its plan submitted to the Commissioner under section 101 or to the Secretary under section 5 of the Vocational Rehabilitation Act which includes a program for provision of comprehensive rehabilitation services to bring about the rehabilitation of handicapped individuals under this title. A State shall also include such a program in its plan under section 101 submitted for each subsequent fiscal year. Such program, in addition to those requirements provided in section 101(a)(6), shall (1) designate the State agency or agencies administering the State plan for vocational rehabilitation as the agency or agencies to administer funds provided under this title; (2) provide that comprehensive rehabilitation services will be provided for the rehabilitation of handicapped individuals only in accordance with the individualized written rehabilitation program required by section 102 and only after the requirements of subsection (c) of such section have been met; (3) describe the quality, scope, and extent of the services being provided; (4) demonstrate that the State has studied and considered a broad variety of means for providing comprehensive rehabilitation services under this title, including but not limited to, regional and community centers, halfway houses, services to homebound and institutionalized individuals, and patient-release programs, where such programs are appropriate and beneficial; (5) be approved or disapproved under the criteria and procedures provided with respect to the State plan submitted under section 101; and (6) conform to such other requirements as the Commissioner by regulation may prescribe.

SPECIAL PROJECTS

SEC. 204. From sums appropriated under section 200(b), the Commissioner may retain not to exceed 10 per centum or $500,000, whichever is smaller, to enable him to make grants to States and public and noprofit agencies or organizations to pay part of the cost of projects for research and demonstration and training which hold promise of making a substantial contribution to the solution of problems related to the rehabilitation of individuals under this title.

DEFINITION

S53. 205. For the purposes of this title, the term "rehabilitation" means the goal of achieving, through the provision of comprehensive rehabilitation services, substantial improvement in the ability to live independently or function normally with his family or community on the part of a handicapped individual, who, according to a certification under section 102(c), is not then capable of achieving a vocational goal.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

DECLARATION OF PURPOSE

SEC. 300. The purpose of this title is to—

(1) authorize grants and contracts to assist in the construction and initial staffing of rehabilitation facilities;

(2) authorize grants and contracts to assist in the provision of vocational training services to handicapped individuals;

(3) to insure mortgages covering the construction of certain nonprofit rehabilitation facilities and authorize annual interest grants to help meet the costs of making principal payments in connection with such mortgages, whether so insured or not;

(4) authorize grants for special projects and demonstrations which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, which experiment with new types of patterns of services or devices for the rehabilitation of handicapped individuals (including opportunities for new career for handicapped individuals, and for other individuals in programs serving handicapped individuals) and which provide vocational and comprehensive rehabilitation services to handicapped migratory agricultural workers or seasonal farmworkers;

(5) establish and operate a National Center for Deaf-Blind Youths and Adults;

(6) authorize grants and contracts to establish and operate Rehabilitation Centers for Deaf Individuals;

(7) establish and operate National Centers for Spinal Cord Injuries;

(8) provide services for the treatment of individuals suffering from end-stage renal disease;

(9) authorize grants and contracts to assist in the provision of rehabilitation services to older blind individuals and in the application of new types or patterns of services or devices for the benefit of such individuals;

(10) establish a National Advisory Council on Rehabilitation of Handicapped Individuals to advise the Commissioner and Secretary and conduct reviews with respect to programs carried out under this Act;

(11) establish State Advisory Councils to advise Governors and State agencies in carrying out State plans approved under this Act; and

(12) establish uniform grant and contract requirements for programs assisted under this title and certain other provisions of this Act.

GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

SEC. 301. (a) For the purpose of making grants and contracts under this section for construction of rehabilitation facilities, initial staffing, and planning assistance, there is authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973; $20,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975. Amounts so appropriated shall remain available for expenditure with respect to construction projects funded or initial staffing grants made under this section prior to July 1, 1977.

(b)(1) The Commissioner is authorized to make grants to assist in meeting the costs of construction of public or nonprofit rehabilitation facilities. Such grants may be made to States and public or nonprofit organizations and agencies for projects for which applications are approved by the Commissioner under this section.

(2) To be approved, an application for a grant for a construction project under this section must conform to the provisions of section 313.

(3) The amount of a grant under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share which is applicable in the case of rehabilitation facilities (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(a)), in such State, except that if the Federal share with respect to rehabilitation facilities in such State is determined pursuant to subparagraph (b)(2) of section 645 of such Act (42 U.S.C. 291o(b)(2)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations prescribed by the Commissioner designed to achieve as nearly as practicable results comparable to the results obtained under such subparagraph.

(c) The Commissioner is also authorized to make grants to assist in the initial staffing of any public or nonprofit rehabilitation facility constructed after the date of enactment of this section (whether or not such construction was financed with the aid of a grant under this section) by covering part of the costs determined in accordance with regulations the Commissioner shall prescribe) of compensation of professional or technical personnel of such facility during the period beginning with the commencement of the operation of such facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum for such costs for the third year thereafter.

(d) The Commissioner is also authorized to make grants upon application approved by the State agency designated under section 101 to administer the State plan, to public or nonprofit agencies, institutions, or organizations to assist them in meeting the cost of planning rehabilitation facilities and the services to be provided by such facilities.

VOCATIONAL TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS

SEC. 302. (a) For the purpose of making grants and contracts under this section, there is authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975.

(b)(1) The Commissioner is authorized to make grants to States and public or nonprofit organizations and agencies to pay up to 90 per centum of the cost of projects for providing vocational training services to handicapped individuals, especially those with the most severe handicaps, in public or nonprofit rehabilitation facilities.

(2)(A) Vocational training services for purposes of this subsection shall include training with a view toward career advancement; training in occupational skills; related services, including work evaluation, work testing, provision of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to indi-

viduals receiving such training and related services.

(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed $30 plus $10 for each of the individual's dependents, or $70 whichever is less. In determining the amount of such allowances for any individual, consideration shall be given to the individual's need for such an allowance, including any expenses reasonably attributable to receipt of training, and such other factors, specified by the Commissioner, as will promote such individual's capacity to engage in gainful and suitable employment.

(3) The Commissioner may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such project is to prepare handicapped individuals, especially those with the most severe handicaps, for gainful and suitable employment; (B) the individuals to receive training services under such project will include only those who have been determined to be suitable for and in need of such training services by the State agency or agencies designated as provided in section 101(a)(1) of the State in which the rehabilitation facility is located; (C) the full range of training services will be made available to each such individual, to the extent of his need for such services; and (D) the project, including the participating rehabilitation facility and the training services provided, meet such other requirements as he may prescribe in regulations for carrying out the purposes of this subsection.

(c)(1) The Commissioner is authorized to make grants to public or nonprofit rehabilitation facilities, or to an organization or combination of such facilities, to pay the Federal share of the cost of projects to analyze, improve, and increase their professional services to handicapped individuals, their management effectiveness, or any other part of their operations affecting their capacity to provide employment and services for such individuals.

(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

MORTGAGE INSURANCE FOR REHABILITATION FACILITIES

SEC. 303. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for handicapped individuals.

(b) For the purpose of this section the terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Commissioner, in consultation with the Secretary of Housing and Urban Development, and subject to the provisions of section 313, is authorized to insure up to 100 per centum of any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon, except that no mortgage of any public agency shall be insured under this section if the interest from such mortgage is exempt from Federal taxation.

(d) In order to carry out the purpose of this section, the Commissioner is authorized to insure any mortgage which covers construction of a public or nonprofit rehabilitation facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Commissioner, who demonstrates ability successfully to operate one or more programs for handicapped individuals. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Commissioner may make such contracts with and acquire for not to exceed $100 such stock of interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section), and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Commissioner under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the rehabilitation facility, when the proposed improvements are completed and the equipment is installed, but not including any cost covered by grants-in-aid under this Act or any other Federal Act.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Commissioner shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Commissioner finds necessary to meet the mortgage market.

(e) The Commissioner shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Commissioner is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Commissioner may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he shall by regulation prescribe.

(g)(1) The Commissioner shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act. The Commissioner may, pursuant to a formal delegation agreement containing regulations prescribed by him, delegate to the Secretary of Housing and Urban Development authority to administer this section and section 304 of this Act in accordance with such delegation agreement.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) and all references in such provisions to "Secretary" shall be deemed to refer to the Commissioner of the Rehabilitation Services Administration within the Department of Health, Education, and Welfare.

(h)(1) There is hereby created a Rehabilitation Facilities Insurance Fund which shall be used by the Commissioner as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Rehabilitation Facilities Insurance Fund.

(2) The general expenses of the operations of the Rehabilitation Services Administration relating to mortgages insured under this section may be charged to the Rehabilitation Facilities Insurance Fund.

(3) Moneys in the Rehabilitation Facilities Insurance Fund not needed for the current operations of the Rehabilitation Services Administration with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Commissioner may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Rehabilitation Facilities Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisals and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Commissioner in connection therewith, and all earnings as the assets of the fund, shall be credited to the Rehabilitation Facilities Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Rehabilitation Facilities Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary, except that the total amount of outstanding mortgages insured shall not exceed $250,000,000.

ANNUAL INTEREST GRANTS FOR MORTGAGES FOR REHABILITATION FACILITIES

SEC. 304. (a) To assist States and public or nonprofit agencies and organizations to reduce the cost of borrowing from other sources for the construction of rehabilitation facilities, the Commissioner, subject to the provisions of section 313, may make annual interest grants to such agencies.

(b) Annual interest grants under this section with respect to any rehabilitation facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount sufficient to reduce by 4 per centum the net effective interest rate otherwise payable on the loan or to equal one-half of such rate, whichever is the lesser amount: *Provided*, That the amount on which such grant is based shall be approved by the Commissioner.

(c)(1) There are authorized to be appropriated to the Commissioner such sums as

may be necessary for the payment of annual interest grants in accordance with this section.

(2) Contracts for annual interest grants under this section shall not be entered into an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid pursuant to contracts entered into under this section shall not exceed $1,000,000 with respect to contracts entered into prior to June 30, 1973; $2,000,000 with respect to contracts entered into prior to June 30, 1974; and $4,000,000 with respect to contracts entered into prior to June 30, 1975.

(3) Not more than 15 per centum of the funds expended under this section may be used within any one State in any one fiscal year.

SPECIAL PROJECTS AND DEMONSTRATIONS

SEC. 305. (a) (1) For the purpose of making grants under this section for special projects and demonstrations (and research and evaluation connected therewith), there is authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(2) Of the amounts appropriated pursuant to paragraph (1) of this subsection, 10 per centum, but in no event more than $10,000,000, in each such fiscal year shall be available only for the purpose of making grants under subsection (c) of this section, and there is authorized to be appropriated in each such fiscal year such additional amount as may be necessary to equal, when added to the amount made available for the purpose of making grants under such subsection, an amount of $10,000,000 to be available for each such fiscal year.

(b) The Commissioner, subject to the provisions of section 313, shall make grants to States and public or nonprofit agencies and organizations for paying part of the cost of special projects and demonstrations (and research and evaluation in connection therewith) (1) for establishing facilities and providing services which, in the judgment of the Commssioner, hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, especially those with the most severe handicaps, and (2) for applying new types or patterns of services or devices (including opportunities for new careers for handicapped individuals and for other individuals in programs servicing handicapped individuals).

(c) The Commissioner, subject to the provisions of section 313, is authorized to make grants to any State agency designated pursuant to a State plan approved under section 101, or to any local agency participating in the administration of such a plan, to pay up to 90 per centum of the cost of projects or demonstrations for the provision of vocational or comprehensive rehabilitation services to handicapped individuals who, as determined in accordance with rules prescribed by the Secretary of Labor, are migratory agricultural workers or seasonal farmworkers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of such individuals and members of their families where necessary to the rehabilitation of such individuals. Maintenance payments under this section shall be consistent with any maintenance payments made to other handicapped individuals in the State under this Act. Such grants shall be conditioned upon satisfactory assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public or nonprofit agencies and organizations having special skills and experience in the provision of services to migratory agricultural workers, seasonal farmworkers, or their families. This subsection shall be administered in coordination with other programs serving migrant agricultural workers and seasonal farmworkers, including programs under title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, the Migrant Health Act, and the Farm Labor Contractor Registration Act of 1963.

(d) The Commission is authorized to make contracts or jointly financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped individuals for gainful and suitable employment in the competitve labor market under which handicapped individuals are provided training and employment in a realistic work setting and such other services (determined in accordance with regulations prescribed by the Commissioner) as may be necessary for such individuals to continue to engage in such employment.

(e) (1) The Commissioner is authorized, directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, to provide technical assistance (A) to rehabilitation facilities, and (B) for the purpose of removal of architectural and transportation barriers, to any public or nonprofit agency, institution, organization, or facility.

(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding the pro rata pay rate for a person employed as a GS–18, under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SEC. 306. (a) For the purpose of establishing and operating a National Center for Deaf-Blind Youths and Adults, there is authorized to be appropriated $600,000 for the fiscal year ending June 30, 1973, $1,000,000 for the fiscal year ending June 30, 1974, and $1,500,000 for the fiscal year ending June 30, 1975, for construction, and such sums as may be necessary for the fiscal year ending June 30, 1973, and the two succeeding fiscal years for operations.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, and other services, needed to rehabilitate handicapped individuals who are both deaf and blind, and (B) training the professional and allied personnel needed adequately to staff facilities specially designed to provide such services and training to such personnel who have been or will be working with deaf-blind individuals;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, deaf-blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of deaf-blind individuals;

the Commissioner, subject to the provisions of section 313, is authorized to enter into an agreement with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind, which center shall be known as the National Center for Deaf-Blind Youths and Adults.

(c) Any agency or organization desiring to enter into such agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of such Center, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of deaf-blind individuals.

REHABILITATION CENTERS FOR DEAF INDIVIDUALS

SEC. 307. (a) For the purpose of making grants and contracts for the expansion and improvement of vocational or comprehensive rehabilitation services for deaf individuals (through the establishment of centers or other means), there is authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each of the succeeding fiscal years ending prior to July 1, 1975. Funds appropriated pursuant to this subsection shall remain available until expended.

(1) demonstrate methods of (A) providing the specialized services needed to rehabilitate and make maximum use of the vocational potential of deaf individuals, and (B) training the specialized professional and allied personnel required adequately to staff facilities designed to provide such services and training personnel who have been or will be working with such individuals;

(2) conduct research in the nature and prevention of the problems of such deaf individuals and in the rehabilitation of these individuals; and

(3) improve the understanding of the general public, employers in particular, of both the assets and problems of such deaf individuals;

the Commissioner, subject to the provisions of section 313, is authorized to make grants to or contracts with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of one or more centers for the vocational rehabilitation of deaf individuals whose maximum vocational potential has not been achieved, which shall be known as Rehabilitation Centers for Deaf Individuals.

(c) Any agency or organization desiring to receive a grant or enter into a contract under this section shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of a Rehabilitation Center for Deaf Individuals, and (2) give promise of offering the substantial capability in providing a broad program of service and related research, training, and other activities in the field of rehabilitation of deaf individuals whose maximum vocational potential has not been achieved.

(d) For the purposes of this section, the Commissioner shall prescribe regulations to—

(1) provide a means of determining the population of deaf individuals whose maximum vocational potential has not been achieved;

(2) insure that, in carrying out the purposes of this section, provision has been made for coordination between the agency or organization receiving funds under this section on the one hand, and the State and local educational agencies in the area to be served on the other; and

(3) provide that an advisory board, com-

prised of qualified professional and expert individuals in the fields of rehabilitation and education of deaf individuals, be appointed to assure proper functioning of a center established under this section in accordance with its stated objectives and to provide assistance in professional, technical, and other related areas; and that at least one-third of the members of such board shall be deaf individuals. (e) To be eligible to receive vocational or comprehensive rehabilitation services under this section, a deaf individual must be sixteen years of age or older, must have reached the age at which the compulsory school attendance laws of the State in which he resides are no longer applicable to him, and must be an individual whose maximum vocational potential (as defined in regulations which the Commissioner shall prescribe) has not been achieved.

(f) Programs carried out under this section shall be coordinated with programs carried out by the Bureau of Education for the Handicapped within the Office of Education in order to achieve a consistent education and rehabilitation philosophy, to promote for continuity of services and programs purpose, and to avoid unnecessary duplication or overlap of programs.

NATIONAL CENTERS FOR SPINAL CORD INJURIES

SEC. 308. (a) For the purpose of establishing and operating National Centers for Spinal Cord Injuries, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975. Funds appropriated under this section shall remain available until expended.

(b) In order—

(1) to help establish national centers with special competencies in providing prompt, complete vocational and comprehensive rehabilitation services and acute medical care to individuals with spinal cord injuries;

(2) to assist in meeting the costs of such services to such individuals;

(3) to encourage and assist the study and development of methods for the provision of such services and, where appropriate and desirable, to carry out necessary related research and training; and

(4) to develop new methods of achieving cooperation with and among community and other public and nonprofit organizations concerned with the problems of spinal cord injury;

the Commissioner, subject to the provisions of section 313, is authorized to enter into an agreement with any public or nonprofit agency or organization to pay all or part of the costs of the establishment and operation, including construction and equipment, of centers to carry out the purposes of this subsection, which centers shall be known as National Centers for Spinal Cord Injuries.

(c) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall provide an opportunity for submission of comments by the State agency administering the State plan under section 101, and shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of National Centers for Spinal Cord Injuries, and which include provisions to—

(A) establish, on an appropriate regional basis, a multidisciplinary system of providing vocational and comprehensive rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries including, but not limited to, acute medical care and periodic inpatient or outpatient followup;

(B) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost effectiveness of, such a regional system;

(C) demonstrate and evaluate existing, new, and improved methods and equipment essential to the care, management, and rehabilitation of individuals with spinal cord injuries;

(D) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities;

and (2) give promise of offering substantial skill, experience, and capability in providing a comprehensive program of services and related activities in the field of rehabilitation of individuals with spinal cord injuries.

GRANTS FOR SERVICES FOR END-STAGE RENAL DISEASE

SEC. 309. (a) For the purpose of providing services under this section for the treatment of individuals suffering from end-stage renal disease there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973; $20,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975. Funds appropriated under this subsection shall remain available until expended.

(b) From sums available pursuant to subsection (a) of this section for any fiscal year, the Secretary shall make grants to States and public nonprofit agencies and organizations and agencies for paying part of the cost of projects for providing special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of individuals suffering from end-stage renal disease.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Secretary, and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this section.

REHABILITATION SERVICES FOR OLDER BLIND INDIVIDUALS

SEC. 310. (a) For the purpose of providing rehabilitation services to older blind individuals, there is authorized be appropriated $5,000,000 for the fiscal year ending June 30, 1973; $15,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, as well as other services, needed to rehabilitate older blind individuals, and (B) training the professional and allied personnel needed to provide such services;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating older blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for, and help improve public understanding of, the problems of older blind individuals,

the Commissioner, subject to the provisions of section 313, is authorized to make grants to and contracts with States and public and nonprofit agencies to pay all or part of the costs of projects and demonstrations (1) for providing vocational or comprehensive rehabilitation services to older blind individuals which, in the judgment of the Commissioner, hold promise of expanding or otherwise improving such services, and (2) for applying new types or patterns of such services or devices to, or for the benefit of, older blind indivdiuals.

(c) For the purpose of this section, the term "older blind individuals" means individuals, age 55 and older, whose severe visual impairment makes gainful employment less readily attainable in the light of current employment practices.

NATIONAL ADVISORY COUNCIL ON REHABILITATION OF HANDICAPPED INDIVIDUALS

SEC. 311. (a) There is established in the Department of Health, Education, and Welfare a National Advisory Council on Rehabilitation of Handicapped Individuals (hereinafter referred to in this section as the "Council") consisting of twenty members appointed by the Commissioners without regard to civil service laws shall be from among persons who are leaders in fields concerned with rehabilitation or in public affairs, and ten of such twenty shall be selected from among leading medical, educational, or scientific authorities with outstanding qualifications in the rehabilitation of handicapped individuals. Eight of such twenty members shall be persons who are themselves handicapped or who have received vocational rehabilitation services. Each such member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term and except that, of the members first appointed, five shall hold office for a term of two years, and five shall hold office for a term of one year, as designated by the Commissioner at the time of appointment. None of such members shall be eligible for reappointment until a year has elapsed after the end of his preceding term. The Council shall meet not less than four times a year at the call of the Chairman, who shall be selected from among its membership by the members.

(b) The Council shall—

(1) provide policy advice and consultation to the Secretary and the Commissioner on the planning (including determination of priorities), conduct, and review of programs (including research and training) authorized under this Act;

(2) review the administration and operation of vocational rehabilitation (including research and training) programs under this Act, including the effectiveness of such programs in meeting the purposes for which they are established and operated and the integration of research and training activities with service program goals and priorities, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this Act) to the Secretary and the Commissioner for annual transmittal to the Congress;

(3) advise the Secretary and the Commissioner with respect to the conduct of independent evaluations of programs (including research and training) carried out under this Act; and

(4) provide such other advisory services as the Secretary and the Commissioner may request.

(c) (1) Adequate technical assistance and support staff for the Council shall be provided from the Office for the Handicapped, the Rehabilitation Services Administration, or from any other Federal agency, as the Council may reasonably request.

(2) There is authorized to be appropriated for the purpose of carrying out this section such sums as may be necessary for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

(d) The Council shall review the possible duplication among vocational rehabilitation programs and other programs serving handicapped individuals within the same geographical areas and shall make annual reports of the extent to which unnecessary duplication or overlap exists, together with its findings and recommendations, concurrently to the Commissioner and the Congress. In

making these reports, the Council shall seek the opinions of persons familiar with vocational rehabilitation and the employment of persons who have received vocational and comprehensive rehabilitation services in each State as well as persons familiar with labor, business and industry, education and training, health, and manpower programs.

(e) Members of the Council, while attending meetings or conferences thereof, or otherwise serving on business of the Council, or at the request of the Commissioner, shall be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding the daily pay rate for a person employed as a GS–18 under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

STATE ADVISORY COUNCILS

SEC. 312. (a) For the purpose of establishing State Advisory Councils, there is authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and for the two succeeding fiscal years.

(b) Any State which receives assistance under this Act may establish and maintain a State Advisory Council, which shall be appointed by the Governor, or, in the case of a State in which members of the State board which governs vocational rehabilitation are elected (including election by the State legislature), by such board.

(c) (1) Such a State Advisory Council shall include as members persons who are familiar with problems of vocational rehabilitation in the State and the administration of vocational rehabilitation programs, and who are experienced in the education and training of handicapped individuals; persons who are representative of labor and management, including persons who have knowledge of the employment of persons who have received vocational rehabilitation services and of the employment of the handicapped individuals; and individuals who are handicapped and who are receiving or who have received vocational rehabilitation services and who shall constitute a majority of the total membership of the State Advisory Council.

(2) Such a State Advisory Council, in accordance with regulations prescribed by the Commissioner, shall—

(A) advise the Governor and the State agency on the development of, and policy matters arising in, the administration of the State plan approved pursuant to section 101;

(B) advise with respect to long-range planning and studies to evaluate vocational rehabilitation programs, services, and activities assisted under this Act; and

(C) prepare and submit to the Governor through the State agency having authority over vocational rehabilitation programs, and to the National Advisory Council on Rehabilitation of Handicapped Individuals established pursuant to section 311, an annual report of its recommendations, accompanied by such additional comments the State agency deems appropriate.

(d) Upon the appointment of any such Advisory Council the appointing authority under subsection (b) of this section shall inform the Commissioner of the establishment of, and membership of, its State Advisory Council. The Commissioner shall, upon receiving such information, certify that each council is in compliance with the membership requirements set forth in subsection (b) (1) of this section.

(e) Each such State Advisory Council shall meet within thirty days after certification has been accepted by the Commissioner under subsection (d) of this section and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State Advisory Council, except that such rules must provide that each such council meet at least four times each year, including at least one public meeting at which the public is given the opportunity to express views concerning vocational rehabilitation.

(f) Each such State Advisory Council is authorized to obtain the services of such pro fessional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section.

GENERAL GRANT AND CONTRACT REQUIREMENTS

SEC. 313(a) The provisions of this section shall apply to all projects (including annual interest grants) approved and assisted under this title. The Commissioner shall insure compliance with this section prior to making any grant or entering into any contract or agreement under this title, except projects authorized under sections 302, 309, 311, and 312.

(b) To be approved, an application for assistance for a construction project under this title must—

(1) contain or be supported by reasonable assurances that (A) for a period of not less than twenty years after completion of construction of the project it will be used as a public or nonprofit facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use for its intended purpose;

(2) provide that Federal funds provided to any agency or organization under this title will be used only for the purposes for which provided and in accordance with the applicable provisions of this section and the section under which such funds are provided;

(3) provide that the agency or organization receiving Federal funds under this title will make an annual report to the Commissioner, which he shall summarize and comment upon in the annual report to the Congress submitted under section 504;

(4) be accompanied or supplemented by plans and specifications in which due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and which comply with regulations prescribed by the Commissioner related to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90–480)), and with regulations of the Secretary of Labor relating to occupational health and safety standards for rehabilitation facilities; and

(5) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5); and the Secretary of Labor shall have, with respect to the Labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(c) Upon approval of any application for a grant or contract for a project under this title, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract determined under this title. In case an amendment to an approved application is approved, or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the appropriation from which the original reservation was made or the appropriation for the fiscal year in which such amendment or revision is approved.

(d) If, within twenty years after completion of any construction project for which funds have been paid under this title, the facility shall cease to be a public or nonprofit facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(e) Payment of assistance or reservation of funds made pursuant to this title may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

(f) A project for construction of a rehabilitation facility which is primarily a workshop may, where approved by the commissioner as necessary to the effective operation of the facility, include such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of handicapped individuals.

(g) No funds provided under this title may be used to assist in the construction of any facility which is or will be used for religious worship or any sectarian activity.

(h) When in any State, funds provided under this title will be used for providing direct services to handicapped individuals or for establishing facilities which will provide such services, such services must be carried out in a manner not inconsistent with the State plan approved pursuant to section 101.

(i) Prior to making any grant or entering into any contract under this title, the Commissioner shall afford reasonable opportunity to the appropriate State agency or agencies designated pursuant to section 101 to comment on such grant or contract.

(j) With respect to any obligation issued by or on behalf of any public agency for which the issuer has elected to receive the benefits of mortgage insurance under section 303 or annual interest grants under section 304, the interest paid on such obligations and received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

TITLE IV—RESEARCH AND TRAINING

DECLARATION OF PURPOSE

SEC. 400. The purpose of this title is to authorize Federal assistance to States and public or nonprofit agencies and organizations to—

(a) plan and conduct research, demonstrations, and related activities in the rehabilitation of handicapped individuals, and

(b) plan and conduct courses of training and related activities designed to provde increased numbers of trained rehabilitation personnel, to increase the levels of skills of such personnel, and to develop improved methods of providing such training.

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. (a) In order to make grants and contracts to carry out the purposes of this title, there is authorized to be appropriated:

(1) For the purpose of carrying out section 402 of this title, $40,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975, of which 15 per centum, 25 per centum, and 25 per centum of the amounts appropriated

in the first, second, and third such fiscal years, respectively, shall be available for the purpose of carrying out activities under section 402(b)(2).

(2) For the purpose of carrying out section 403 of this title, $30,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(b) Funds appropriated under this title shall remain available until expended.

RESEARCH

SEC. 402. (a) The Commissioner is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for the purpose of planning and conducting research, demonstrations, and related activities, which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational and comprehensive rehabilitation services to handicapped individuals, especially those with the most severe handicaps, under this Act. Such projects may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques; studies and analyses of industrial, vocational, social, psychological, economic, and other factors affecting rehabilitation of handicapped individuals; special problems of homebound and institutionalized individuals; studies and analyses of architectural and engineering design adapted to meet the special needs of the handicapped individuals; and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals and individuals with the most severe handicaps.

(b) In addition to carrying out projects under subsection (a) of this section, the Commissioner is authorized to make grants to pay part or all of the cost of the following specialized research activities:

(1) Establishment and support of Rehabilitation Research and Training Centers to be operated in collaboration with institutions of higher education for the purpose of providing coordinated and advanced programs of research in rehabilitation, and training of rehabilitation research personnel, including, but not limited to, graduate training. Grants may include funds for services rendered by such a center to handicapped individudals in connection with such research and training activities.

(2) Establishment and support of Rehabilitation Engineering Research Centers to (A) develop innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, equipment, and devices suitable for solving problems in the rehabilitation of handicapped individuals and for reducing environmental barriers, and to (B) cooperate with the Office for the Handicapped and State agencies designated pursuant to section 101 in developing systems of information exchange and coordination to promote the prompt utilization of engineering and other scientific research to assist in solving problems in the rehabilitation of handicapped individuals.

(3) Conduct of a program for spinal cord injury research in support of the National Centers for Spinal Cord Injuries established pursuant to section 308 which will (A) insure dissemination of research findings among all such centers, (B) provide encouragement and support for initiatives and new approaches by individual and institutional investigators, and (C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigators.

(4) Conduct of a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of handicapped individuals in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of handicapped individuals, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of handicapped individuals with other nations as a means of increasing the levels of skill of rehabilitation personnel.

(c) The provisions of section 313 shall apply to assistance provided under this section, unless the context indicates to the contrary.

TRAINING

SEC. 403. (a) The Commissioner is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for training, traineeships, and related activities designated to assist in increasing the numbers of personnel trained in providing vocational and comprehensive rehabilitation services to handicapped individuals and in performing other functions necessary to the development of such services.

(b) In making such grants or contracts, funds made available for any year will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to include projects in rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, workshop and facility administration, prosthetics and orthotics, specialized personnel in services to the blind and the deaf, recreation for ill and handicapped individuals, and other fields contributing to the rehabilitation of handicapped individuals, including homebound and institutionalized individuals. No grant shall be made under this section for furnishing to an individual any one course of study extending for a period in excess of four years.

REPORTS

SEC. 404. There shall be included in the annual report to the Congress required by section 504 a full report on the research and training activities carried out under this title and the extent to which such research and training has contributed directly to the development of methods, procedures, devices, and trained personnel to assist in the provision of vocational or comprehensive rehabilitation services to handicapped individuals and those with the most severe handicaps under this Act.

## TITLE V—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

ADMINISTRATION

SEC. 500. (a) In carrying out his duties under this Act, the Commissioner shall—

(1) cooperate with, and render technical assistance (directly or by grant or contract) to States in matters relating to the rehabilitation of handicapped individuals;

(2) provide short-term training and instruction in technical matters relating to vocational and comprehensive rehabilitation services, including the establishment and maintenance of such research fellowships and traineeships, with such stipends and allowances (including travel and subsistence expenses), as he may deem necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided any individual for any one course of study for a period in excess of four years, and such training, instruction, fellowships, and traineeships may be in the fields of rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, prosthetics and orthotics, recreation for ill and handicapped individuals, and other specialized fields contributing to the rehabilitation of handicapped individuals; and

(3) disseminate information relating to vocational and comprehensive rehabilitation services, and otherwise promote the cause of the rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment.

(b) The Secretary is authorized to make rules and regulations governing the administration of this title and titles VI and VI of this Act, and to delegate to any officer or employee of the United States such of his powers and duties under such titles, except the making of rules and regulations, as he finds necessary to carry out the provisions of such titles. Such rules and regulations, as well as those prescribed by the Commissioner of the Rehabilitation Services Administration under titles I, II, III, and IV of this Act shall be published in the Federal Register, on at least an interim basis, no later than ninety days after the date of enactment of this Act.

(c) The Secretary is authorized (directly or by grants or contracts) to conduct studies, investigations, and evaluation of the programs authorized by this Act, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, their utilization in gainful and suitable employment, and with respect to architectural, transporation, and other environmental and attitudinal barriers to their rehabilitation, including the problems of homebound, institutionalized, and older blind individuals.

(d) There is authorized to be included for each fiscal year in the appropriation for the Department of Health, Education and Welfare such sums as are necessary to administer the provisions of this Act.

(e) In carrying out their duties under this Act, the Secretary and the Commissioner, respectively, shall insure the maximum coordination and consultation, at both national and local levels, with the Administrator of Veterans' Affairs and his designees with respect to programs for and relating to the rehabilitation of disabled veterans carried out under title 38, United States Code.

(f) With respect to the administration of the program authorized by section 309, the Secretary shall insure that the provision of services under such section is coordinated with similar services provided or paid for under health programs pursuant to other Federal laws.

PROGRAM AND PROJECT EVALUATION

SEC. 501. (a)(1) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, in order to determine their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparison with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(2) In carrying out his responsibilities under this subsection, the Secretary, in the case of research, demonstrations, and related activities carried out under section 402, shall, after taking into consideration the views of State agencies designated pursuant to section 101, on an annual basis—

(A) reassess priorities to which such activities should be directed; and

(B) review present research, demonstration, and related activities to determine, in terms of the purpose specified for such activities by subsection (a) of such section 402, whether and on what basis such activities should be continued, revised or terminated.

(3) The Secretary shall, within twelve months after the date of enactment of this Act, and on each April 1 thereafter, prepare and furnish to the appropriate committees of the Congress a complete report on the determination and review carried out under paragraph (2) of this subsection, together with such recommendations, including any recommendations for additional legislation, as he deems appropriate.

(b) Effective after June 30, 1973, before funds for the programs and projects covered by this Act are released, the Secretary shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding, in accordance with procedures set forth in subsections (b), (c), and (d) of section 101, whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 504 shall describe the actions taken as a result of these evaluations.

(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this Act about such programs and projects.

(d) Th Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness no later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

(c) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this Act shall become the property of the United States.

OBTAINING INFORMATION FROM FEDERAL AGENCIES

SEC. 502. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

AUTHORIZATION OF APPROPRIATIONS

SEC. 503. There is authorized to be appropriated such sums as the Secretary may require, but not to exceed an amount equal to one-half of 1 per centum of the funds appropriated under titles I, II, III, and IV of this Act or $1,000,000, whichever is greater, to be available to conduct program and project evaluations as required by this title.

REPORTS

SEC. 504. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include (1) statistical data reflecting, with the maximum feasible detail, vocational and comprehensive rehabilitation services provided handicapped individuals during the preceding fiscal year, (2) specifically distinguish among rehabilitation closures attributable to physical restoration, placement in competitive employment, extended or terminal employment in a sheltered workshop or rehabilitation facility, employment as a homemaker or unpaid family worker, and provision of comprehensive rehabilitation services, and (3) include a detailed evaluation of services provided with assistance under title I of this Act to those with the most severe handicaps and of comprehensive rehabilitation services provided pursuant to title II of this Act.

SHELTERED WORKSHOP STUDY

SEC. 505. (a) The Secretary shall conduct an original study of the role of sheltered workshops in the rehabilitation and employment of handicapped individuals, including a study of wage payments in sheltered workshops. The study shall incorporate guidelines which are consistent with criteria provided in resolutions adopted by the Committee on Labor and Public Welfare of the United States Senate or the Committee on Education and Labor of the United States House of Representatives, or both.

(b) The study shall include site visits to sheltered workshops, interviews with handicapped trainees or clients, and consultations with interested individuals and groups and State agencies designated pursuant to section 101.

(c) Any contracts awarded for the purpose of carrying out all or part of this study shall not be made with individuals or groups with a financial or other direct interest in sheltered workshops.

(d) The Secretary shall report to the Congress his findings and recommendations with respect to such study within twenty-four months after the date of enactment of this Act.

## TITLE VI—OFFICE FOR THE HANDICAPPED

ESTABLISHMENT OF OFFICE

SEC. 600. There is established within the Office of the Secretary in the Department of Health, Education, and Welfare an Office for the Handicapped (hereinafter in this title referred to as the "Office"). The Office shall be headed by a Director, who shall serve as a Special Assistant to the Secretary and shall report directly to him, and shall be provided such personnel as are necessary to carry out the functions set forth in section 601. In selecting personnel to fill all positions in the Office, the Secretary shall give special emphasis to qualified handicapped individuals.

FUNCTION OF OFFICE

SEC. 601. It shall be the function of the Office, with the assistance of agencies within the Department, other departments and agencies within the Federal Government, handicapped individuals, and public and private agencies and organizations, to—

(1) prepare and submit to the Secretary, for submission to the Congress within eighteen months after the date of enactment of this Act, a long-range projection for the provisions of comprehensive services to handicapped individuals and for programs of research, evaluation, and training related to such services and individuals;

(2) analyze on a continuing basis and submit to the Secretary, for inclusion in his report submitted under section 504, a report on the results of such analysis, program operation to determine consistency with applicable provisions of law, progress toward meeting the goals and priorities set forth in the projection required under clause (1), and the effectiveness of all programs providing services to handicapped individuals, and the elimination of unnecessary duplication and overlap in such programs under the jurisdiction of the Secretary;

(3) encourage coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity, and continuity in the provision of services for handicapped individuals by all programs under the jurisdiction of the Secretary;

(4) provide assistance (including staff assistance) to the National Advisory Council on Rehabilitation of the Handicapped established by section 311 of this Act, the National Advisory Council on the Education of the Handicapped established by section 604 of the Education of the Handicapped Act (title VI, Public Law 91–230), and other committees advising the Secretary on programs for handicapped individuals;

(5) develop means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in education (including promotion of the development of curricula stressing barrier-free design and the adoption of such curricula by schools of architecture, design, and engineering), health, employment, rehabilitation, architectural and transportation barriers, and other areas so as to bring about the full integration of handicapped individuals into all aspects of society;

(6) provide a central clearinghouse for information and resource availability for handicapped individuals through (A) the evaluation of systems within the Department of Health, Education, and Welfare, other departments and agencies of the Federal Government, public and private agencies and organizations, and other sources, which provide (i) information and data regarding the location, provision, and availability of services and programs for handicapped individuals, regarding research and recent medical and scientific developments bearing on handicapping conditions (and their prevention, amelioration, causes, and cures), and regarding the current numbers of handicapped individuals and their needs, and (ii) any other such relevant information and data which the Office deems necessary; and (B) utilizing the results of such evaluation and existing information systems, the development within such Department of a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide general and specific information regarding the information and data referred to in subclause (A) of this clause to the Congress, public and private agencies and organizations, handicapped individuals and their families, professionals in fields serving such individuals, and the general public; and

(7) carry out such additional advisory functions and responsibilities, consistent with the provisions of this title, as may be assigned to it by the Secretary or the President, except that such function or any other function carried out under clauses (1) through (5) of this section shall not include budgetary, policy, or program control by the Office over any program.

AUTHORIZATION OF APPROPRIATIONS

SEC. 602. There is authorized to be appropriated for the purposes of this title such sums as may be necessary for the fiscal year ending June 30, 1973, and the two succeeding fiscal years.

## TITLE VII—MISCELLANEOUS

EFFECT ON EXISTING LAWS

SEC. 700. The Vocational Rehabilitation Act (29 U.S.C. 31 et seq.) is repealed ninety days after the date of enactment of this Act and references to such Vocational Rehabilitation Act in any other provision of law shall, ninety days after such date, be deemed to be references to the Rehabilitation Act of 1973. Unexpended appropriations for carrying out the Vocational Rehabilitation Act may be made available to carry out this Act, as directed by the President. Approved State plans for vocational rehabilitation, approved projects, and contractual arrangements authorized under comparable provisions of this Act so that there is no disruption of

ongoing activities for which there is continuing authority.

FEDERAL INTERAGENCY COMMITTEE ON HANDICAPPED EMPLOYEES

SEC. 701. (a) There is established within the Federal Government an Interagency Committee on Handicapped Employees (hereinafter in this section referred to as the "Committee"), comprised of the following (or their designees whose positions are Executive Level IV or higher); the Chairman of the Civil Service Commission, the Administrator of Veterans' Affairs, and the Secretaries of Labor and Health, Education, and Welfare. The Chairman of the President's Committee on Employment of the Handicapped and the Chairman of the President's Committee on Mental Retardation shall serve as ex officio members of the Interagency Committee, and the Secretary of Health, Education, and Welfare shall serve as Chairman of the Committee. The resources of such President's Committees shall be made fully available to the Committee established pursuant to this section. The Commissioner shall serve as Executive Director of the Committee. It shall be the purpose and function of the Committee to insure, through the establishment of affirmative action programs, the adequacy of hiring, placement, and advancement practices with respect to handicapped individuals by each department, agency, and instrumentality in the executive branch of Government, and that the special needs of such individuals are being met.

(b) Each department, agency, and instrumentality in the executive branch shall, within one hundred and eighty days after the date of enactment of this Act, submit to the Committee an affirmative action program plan for the hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality. Such plan shall include a description of the extent to which and methods whereby the special needs of handicapped employees are being met.

(c) The Committee shall develop and recommend to the Secretary for referral to the appropriate State agencies, policies and procedures which will facilitate the hiring, placement, and advancement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, veterans' programs, or any other program for handicapped individuals, including the promotion of job opportunities for such individuals. The Secretary shall encourage such State agencies to adopt and implement such policies and procedures.

(d) The Committee shall, on June 30, 1974, and at the end of each subsequent fiscal year, make a complete report to the appropriate committees of the Congress with respect to the practices of hiring, placement, and advancement of handicapped individuals by each department, agency, and instrumentality and the effectiveness of the affirmative action programs required by subsection (b) of this section, together with recommendations as to legislation or other appropriate action to insure the adequacy of such practices. Such report shall also include a description of the effectiveness of the Committee's activities under subsection (c) of this section.

(e) An individual who, as a part of his individualized written rehabilitation program under a State plan approved under this Act, participates in a program of unpaid work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(f) (1) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized and directed to cooperate with the President's Committee on Employment of the Handicapped in carrying out its functions.

(2) There are authorized to be appropriated for salaries and expenses of the President's Committee on Employment of the Handicapped such sums as may be necessary for the fiscal year ending June 30, 1973, and the two succeeding fiscal years. In selecting personnel to fill all positions on the President's Committee on Employment of the Handicapped, special consideration shall be given to qualified handicapped individuals.

NATIONAL COMMISSION ON TRANSPORTATION AND HOUSING FOR HANDICAPPED INDIVIDUALS

SEC. 702 (a) There is established in the Department of Health, Education, and Welfare a National Commission on Transportation and Housing for Handicapped Individuals, consisting of the Secretary of Health, Education, and Welfare (or his designee), who shall be Chairman, the Secretary of Housing and Urban Development, the Secretary of Transportation and the Secretary of the Treasury (or their respective designees), and not more than fifteen members appointed by the Secretary of Health, Education, and Welfare without regard to the civil service laws. The fifteen appointed members shall be representative of the general public, of handicapped individuals, and of private and professional groups having an interest in, and able to contribute to the solution of, the transportation and housing problems which impede the rehabilitation of handicapped individuals.

(b) The Commission, in consultation with the Architectural and Transportation Compliance Board established pursuant to section 703, shall (1) (A) determine how and to what extent transportation barriers impede the mobility of handicapped individuals and aged handicapped individuals and consider ways in which travel expenses in connection with transportation to and from work for handicapped individuals can be met or subsidized when such individuals are unable to use mass transit systems or need special equipment in private transportation, and (B) consider the housing needs of handicapped individuals; (2) determine what measures are being taken, especially by public and other nonprofit agencies and groups having an interest in and a capacity to deal with such problems, (A) to eliminate barriers from public transportation systems (including vehicles used in such systems), and to prevent their incorporation in new or expanded transportation systems and (B) to make housing available and accessible to handicapped individuals or to meet sheltered housing needs; and (3) prepare plans and proposals for such further action as may be necessary to the goals of adequate transportation and housing for handicapped individuals, including proposals for bringing together in a cooperative effort, agencies, organizations, and groups already working toward such goals or whose cooperation is essential to effective and comprehensive action.

(c) The Commission is authorized to appoint such special advisory and technical experts and consultants, and to establish such committees, as may be useful in carrying out its functions, to make studies, and to contract for studies or demonstrations to assist it in performing its functions. The Secretary shall make available to the Commission such technical, administrative, and other assistance as it may require to carry out its functions.

(d) Appointed members of the Commission and special advisory and technical experts and consultants appointed pursuant to subsection (c) shall, while attending meetings or conferences thereof or otherwise serving on business of the Commission, be entitled to receive compensation at rates fixed by the Secretary, but exceeding the not daily pay rate, for a person employed as a GS–18 under section 5332 of title 5, United States Code, including traveltime and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(e) The Commission shall prepare two final reports of its activities. One such report shall be on its activities in the field of transportation carriers of handicapped individuals, and the other such report shall be on its activities in the field of the housing needs of handicapped individuals. The Commisson shall, prior to January 1, 1975, submit each such report, together with its recommendations for further carrying out the purposes of this section, to the Secretary for transmittal by him, together with his recommendations, to the President and the Congress. The Commission shall also prepare for such submission an interim report of its activities in each such field within 18 months after the date of enactment of this Act and such additional interim reports as the Secretary may request.

(f) The Commission shall, on a frequent and continuing basis, provide to the Architectural and Transportation Barriers Compliance Board established pursuant to section 703, such data and information as it has acquired or developed during the course of its investigations and studies and such reports as it has submitted under subsection (e) of this section. Such Board shall also provide to the Commission such data and information acquired by it as the Commission may reasonably request.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SEC. 703. (a) There is established within the Federal Government the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the "Board") which shall be composed of the heads of each of the following departments or agencies (or their designees whose positions are Executive Level IV or higher):

(1) Department of Health, Education, and Welfare;

(2) Department of Transportation;

(3) Department of Housing and Urban Development;

(4) Department of Labor;

(5) Department of the Interior;

(6) General Services Administration;

(7) United States Postal Service; and

(8) Veterans' Administration.

(b) It shall be the function of the Board to: (1) insure compliance with the standards prescribed by the General Services Administration, the Department of Defense, and the Department of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968 (Public Law 90–480), as amended by the Act of March 5, 1970 (Public Law 91–205); (2) investigate and examine alternative approaches to the architectural, transportation, and attitudinal barriers confronting handicapped individuals, particularly with respect to public buildings and monuments, parks and parklands, public transportation (including air, water, and surface transportation whether interstate, foreign, intrastate, or local), and residential and institutional housing; (3) determine what measures are being taken by Federal, State, and local governments and by other public or nonprofit agencies to eliminate the barriers described in clause (2) of this subsection; (4) promote the use of the International Accessibility Symbol in all public facilities that are in compliance with the standards prescribed by the Administrator of the General Services Administration, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968; (5) make reports to the President and to Congress, which shall describe in detail the

results of its investigations under clauses (2) and (3) of this subsection; and (6) make to the President and to the Congress such recommendations for legislation and administration as it deems necessary or desirable to eliminate the barriers described in clause (2) of this subsection.

(c) In carrying out its functions under this section, the Board shall conduct investigations, hold public hearings, and issue such orders as it deems necessary to insure compliance with the provisions of the Act cited in subsection (b). The provisions of subchapter II of chapter 5, and chapter 7 of title 5, United States Code, shall apply to procedures under this section, and an order of compliance issued by the Board shall be a final order for purposes of judicial review.

(d) The Board is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted under this section. The provisions applicable to hearing examiners appointed under section 3105 of title 5, United States Code, shall apply to hearing examiners appointed under this subsection.

(e) The departments or agencies specified in subsection (a) of this section shall make available to the Board such technical, administrative, or other assistance as it may require to carry out its functions under this section, and the Board may appoint, under the terms and conditions specified in subsection (d) of section 702, such other advisers, technical experts, and consultants as it deems necessary to assist it in carrying out its functions under this section.

(f) The Board shall, at the end of each fiscal year, report its activities during the preceding fiscal year to the Congress. Such report shall include an assessment of the extent of compliance with the Acts cited in subsection (b) of this section, along with a description and analysis of investigations made and actions taken by the Board, and the reports and recommendations described in clauses (4) and (5) of subsection (b) of this section.

(g) There is authorized to be appropriated for the purpose of carrying out the duties and functions of the Board under this section such sums as may be necessary for the fiscal year ending June 30, 1973, and the two succeeding fiscal years.

EMPLOYMENT UNDER FEDERAL CONTRACTS

SEC. 704. (a) Any contract in excess of $10,000 entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that, in employing persons to carry out such contract the party contracting with the United States shall take affirmative action to employ and advance in employment qualified handicapped individuals as defined in section 7(7). The provisions of this section shall apply to any subcontract in excess of $10,000 entered into by a prime contractor carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within ninety days after the date of enactment of this section.

(b) If any handicapped individual believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to employment of handicapped individuals, such individual may file a complaint with the Department of Labor. The Department shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

(c) The requirements of this section 704 may be waived by the head of the agency or his delegee when he determines that such waiver is in the public interest and states in writing his reasons for such determination.

NONDISCRIMINATION UNDER FEDERAL GRANTS

SEC. 705. No otherwise qualified handicapped individual in the United States, as defined in section 7(7), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Mr. CRANSTON. I thank the distinguished junior Senator from West Virginia for his help in expediting action on the message from the House of Representatives on S. 7.

Mr. President, I may state that this matter has been unanimously agreed to by all the participants in the negotiations with the other body. It has been cleared on both sides of the aisle in the Senate.

I wish to thank Senator RANDOLPH, Senator WILLIAMS, Senator STAFFORD, Senator JAVITS, and Senator TAFT for their cooperation and hard work on this measure.

The staff on both sides of the aisle, also, has been most helpful.

Mr. President, I am delighted to be able to report to the Senate that after extensive negotiations between the committee on Labor and Public Welfare and the Committee on Education and Labor of the other body on S. 7, the Rehabilitation Act of 1972, and the House amendment to that bill, we have reached a consensus which is embodied in the Senate substitute amendment for the House amendment which I have sent to the desk.

Mr. President, I am extremely grateful for the efforts of all of the principals on the committee who have cooperated so magnificently in bringing this matter to a successful resolution today and to the committee staff members and the staff members for the Senators involved who have worked so hard with their very able counterparts from the other body. In particular, I want to thank and congratulate the distinguished chairman of the Subcommittee on the Handicapped, Mr. RANDOLPH, who has been of the most steadfast purpose throughout this entire endeavor; the most able ranking minority member of the subcommittee, the Senator from Vermont (Mr. STAFFORD), who has rendered such great assistance; and the chairman and the ranking minority member of the full committee, Mr. WILLIAMS and Mr. JAVITS, who have always been so dedicated to this bill.

Also, I wish to take special note of the contributions made to the compromise which is now before us by the three distinguished committee leaders in the other body: Mr. PERKINS, Mr. BRADEMAS, and Mr. QUIE.

We have been assisted throughout on the Senate side by Bob Humphreys, Mike Francis, Lisa Walker, Michael Burns, and Jonathan Steinberg; and on the House side by Bill Gaul, Jack Duncan, and Marty La Vor.

Mr. President, all of those who have been involved in working out the resolution before us have exhibited a strong dedication to the principles underlying the vocational rehabilitation program and a spirit of accommodation and compromise.

Mr. President, I would like to comment on a few specific aspects of the provisions in the Senate substitute amendment, the vast bulk of which provisions are identical to those provisions in S. 7 as passed by the Senate on February 28.

AUTHORIZATIONS OF APPROPRIATIONS

Mr. President, this bill as passed by the Senate authorized total appropriations over a 4-year period of $4,750,-250,000. The total authorization of appropriations in the compromise before us is $2,600,250,000. This is a reduction of $2,175 million. The largest reduction is due to our elimination of authorizations for the individual programs for fiscal year 1976 and for the basic State grant program for fiscal year 1975—resulting in a reduction of $1,623,950,000.

The appropriations authorization levels in the compromise for the 3 fiscal years are the same as or lower than the comparable totals in the House amendment. Of the 63 separate authorization figures over the 3 fiscal years in the compromise, 41 of the authorization levels are identical to those in the House amendment, 16 are lower, and six are higher.

Specifically, for fiscal year 1973, Mr. President, the total authorization is $913,200,000—which is identical to the House amendment figure. In addition, of the 21 separate appropriations authorizations comprising this total for fiscal year 1973, 14 are the same as the figures in the House amendment, five are lower, and two are higher.

For fiscal year 1974, the compromise contains a total authorization of appropriations of $1,166,450,000, which is $11.8 million lower than the House amendment figure of $1,178,250,000 and $280.7 million lower than the original S. 7 figure as passed—$1,447,150,000. With respect to the individual authorization levels, 14 are the same, six are lower and one is higher.

For fiscal year 1975, Mr. President, the total authorization figure of $515,600,000 in the compromise is $18.25 million lower than the figure in the House amendment and $1.83.35 billion lower than the figure in S. 7 as passed by the Senate—$1,-598,950,000—which included a $975 million authorization figure for the basic State grant program. With respect to the individual authorization levels for fiscal year 1975, 13 are the same as those in the House amendment, five are lower and three are higher.

Mr. President, the full picture of the authorization levels in the compromise as compared with S. 7 as passed by the Senate and to the House amendment to it are set forth in a table, which I ask unanimous consent be set forth at this point in the RECORD.

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

S. 7: REHABILITATION ACT OF 1972 SHOWING COST ESTIMATES FOR S. 7, HOUSE AMENDMENT, AND COMPROMISE SENATE AMENDMENT TO HOUSE AMENDMENT

[In millions of dollars]

| Program | Fiscal year 1973— | | | Fiscal year 1974— | | | Fiscal year 1975— | | | Fiscal year 1976— | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | House | Compromise | Senate | House | Compromise | Senate | House | Compromise | Senate | House | Compromise | Senate |
| Title I: | | | | | | | | | | | | |
| Basic grants | 700.0 | 700.0 | 800.0 | 800.0 | 800.0 | 975.0 | 0 | 0 | 975.0 | 0 | 0 | 0 |
| Inov. and expansion | 50.0 | 50.0 | 50.0 | 60.0 | 60.0 | 60.0 | 75.0 | 75.0 | 75.0 | 0 | 0 | 75.0 |
| Title II: Comp. rehab. service | 10.0 | 10.0 | 20.0 | 25.0 | 25.0 | 50.0 | 50.0 | 50.0 | 80.0 | 0 | 0 | 80.0 |
| Title III: | | | | | | | | | | | | |
| Construction | 15.0 | 10.0 | 17.5 | 20.0 | 10.0 | 40.0 | 25.0 | 10.0 | 45.0 | 0 | 0 | 45.0 |
| Voc. training service | 15.0 | 15.0 | 15.0 | 25.0 | 25.0 | 35.0 | 30.0 | 30.0 | 40.0 | 0 | 0 | 40.0 |
| Interest grants | 1.0 | 1.0 | 1.0 | 2.0 | 2.0 | 3.0 | 4.0 | 4.0 | 7.0 | 0 | 0 | 7.0 |
| Spc. Projects and Demo | 20.0 | 22.5 | 25.0 | 50.0 | 50.0 | 75.0 | 75.0 | 75.0 | 100.0 | 0 | 0 | 150.0 |
| Deaf/Blind: | | | | | | | | | | | | |
| Const | .6 | 5.0 | 5.0 | 1.0 | 0 | 0 | 1.5 | 0 | 0 | 0 | 0 | 0 |
| Oper | [1](.5) | .5 | .8 | [1](.6) | .6 | 1.2 | [1](.7) | .7 | 2.0 | 0 | 0 | 2.0 |
| Deaf ind | [1](2.0) | 2.0 | 2.0 | [1](4.0) | 3.0 | 4.0 | [1](7.0) | 5.0 | 7.0 | 0 | 0 | 7.0 |
| Spinal cord | 10.0 | 8.5 | 15.0 | 25.0 | 25.0 | 25.0 | 30.0 | 30.0 | 30.0 | 0 | 0 | 30.0 |
| Renal | 10.0 | 8.5 | 15.0 | 20.0 | 20.0 | 25.0 | 25.0 | 25.0 | 25.0 | 0 | 0 | 25.0 |
| Older blind | 5.0 | 5.0 | 7.5 | 15.0 | 15.0 | 20.0 | 30.0 | 30.0 | 30.0 | 0 | 0 | 30.0 |
| NAC | [1](.1) | .05 | .1 | [1](.15) | .1 | .15 | [1](.15) | .15 | .15 | 0 | 0 | .15 |
| SAC | [1](1.0) | .15 | 1.0 | [1](2.0) | .5 | 2.0 | [1](2.0) | .75 | 2.0 | 0 | 0 | 2.0 |
| Title IV: | | | | | | | | | | | | |
| Research | 40.0 | 40.0 | 45.0 | 75.0 | 75.0 | 75.0 | 100.0 | 100.0 | 100.0 | 0 | 0 | 150.0 |
| Training | 30.0 | 32.5 | 35.0 | 50.0 | 50.0 | 50.0 | 75.0 | 75.0 | 75.0 | 0 | 0 | 0 |
| Title V | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 2.0 | 1.0 | 1.5 | 2.0 | 0 | 0 | 2.0 |
| Title VI | [1](1.0) | 1.0 | 1.3 | [1](1.0) | 1.5 | 2.3 | [1](1.0) | 2.0 | 2.3 | 0 | 0 | 2.3 |
| Title VII: | | | | | | | | | | | | |
| Pres. comm. empl. of hand | [1](.5) | 0 | 1.0 | [1](1.5) | 1.25 | 1.25 | [1](.5) | 0 | 0 | 0 | 0 | 0 |
| Compliance board | [1](.5) | .5 | 1.0 | [1](1.5) | 1.5 | 1.25 | [1](.5) | 1.5 | 1.5 | 0 | 0 | 1.5 |
| Early total | 913.20 | 913.20 | 1,059.2 | 1,178.25 | 1,166.45 | 1,447.15 | 533.85 | 515.60 | 1,598.95 | 0 | 0 | 648.95 |
| Grand total | | 2,600.25 | | 2,625.30 | | 4,750.25 | | | | | | |

[1] The figures in parentheses in the House column represent cost estimates for "such sums" authorizations as contained in the House Committee report (H. Rept. No 93-42).

Note: Grand total, fiscal years 1973-76: Compromise, $2,600.25; House, $2,625.30; Senate, $4,750.25.

Mr. CRANSTON. Thus, I think it is extremely clear that we in the Senate have gone out of our way to reach an accord with the House and also to respond to the fiscal concerns expressed by the President in his October 27, 1972, Memorandum of Disapproval of H.R. 8395, the predecessor to S. 7 which he pocket-vetoed after adjournment of the 92d Congress last fall. It is our hope that these reduced authorization levels will be more in accord with the overall budgetary considerations which the administration has put forward.

SENATE ACCEPTANCE OF MINOR HOUSE AMENDMENTS

ELIMINATION OF SUPERGRADES FOR REHABILITATION SERVICES ADMINISTRATION

Mr. President, the bill as originally passed by the Senate—and indeed H.R. 8395 as passed by both Houses last Congress—provided for an increase of 10 supergrade positions assigned to the Rehabilitation Services Administration. This provision in section 3(d) of the bill was deleted by an amendment on the House floor last Thursday, at the behest of the House Post Office and Civil Service Committee. In view of the jurisdictional problems raised in the other body, and despite our firm conviction that RSA is badly in need of the 10 additional supergrade positions, we have reluctantly accepted the House position on this matter.

SECRETARIAL RESPONSIBILITY FOR END-STAGE RENAL DISEASE GRANTS

Mr. President, on the House floor an amendment was accepted to provide the authority to carry out the end-stage renal program, authorized in section 309 of the bill, to the Secretary of Health, Education, and the Welfare rather than the Commissioner of the Rehabilitation Services Administration. Since the bill already included in section 500(f) a provision directing the Secretary to insure that the provision of services under the end-stage renal disease program is coordinated with similar services provided or funded under Federal health programs, we did not feel that providing direct authority to the Secretary was in any way inconsistent with the overall program concept as set forth in S. 7. We thus were able to accept the House amendment in this regard.

CONTRACT DOLLAR MINIMUM AND WAIVER PROVISION IN EMPLOYMENT UNDER FEDERAL CONTRACT PROVISION

Mr. President, two additional amendments were agreed to on the House floor in section 704 of the bill, providing for an affirmative action program in the Federal Government for the employment and advancement in employment of qualified handicapped individuals under Federal contracts and subcontracts. The first amendment limited the affirmative action responsibility to contracts of more than $10,000. This was a provision recommended by the General Services Administration. However, since the most recent issuance of comparable Federal regulations—by the Department of Labor, which is also made responsible under S. 7 for the section 704 program—set the cutoff at $2500—I prefer specifically to the regulations published in the Federal Register with regard to special employment emphasis for certain veterans under Federal contracts, 41 CFR Part 50-250, as amended in the Federal Register Volume 38, No. 20 of January 31, 1973—we agreed to a minimum dollar figure but set it at $2,500.

Second, Mr. President, this provision was amended on the House floor to provide for a written waiver of its applicability by an agency head. We were most reluctant to accept any such waiver provision, because we think that the affirmative action requirements should obtain under all Federal contracts and subcontracts. However, since there was precedent for such a waiver—in event of national emergency or disaster or to protect national security—under the Executive order establishing the Federal Government equal employment opportunity program in section 204, of that Executive Order No. 11246 of September 24, 1965, and based upon the very strong desire for a waiver provision by the House, we most reluctantly accepted a redrafted and tightened waiver provision permitting the President personally to make a waiver with respect to a contract or subcontract, or a portion of jobs thereunder, in accordance with specifically published guidelines established by him and upon his explicit determination that "special circumstances in the national interest so require" and his stating in writing the reasons for that determination. The language I have just quoted is taken verbatim from section 204 of that Executive order.

SHORT TITLE OF THE BILL: REHABILITATION ACT OF 1972

Mr. President, the House has been most generous in agreeing to all of the Senate's substitute amendments, except for the authorization figures, as explained in the committee report (No. 93-48). I do wish to stress one particular area in which the House has agreed to a Senate amendment. That is keeping the reference to "1972" in the short title of the bill and accepting the Senate section 706 to correct certain miscitations to provisions of this act in the Supplemental Appropriations Act, 1973 (Public Law 92-607).

Our very strong mutual intent is to insure that enactment of S. 7 will remove any legal obstacle—real or imagined—to HEW release of the $50 million—above the continuing resolution figure of fiscal year 1972 expenditures ($560)—million appropriated in Public Law 92-607 for the vocational rehabilitation program.

Mr. President, I think we have a good bill, it is a bill which will serve the very

needy and deserving handicapped individuals in our country. I move that the Senate concur in the House amendment with an amendment in the nature of a substitute.

The PRESIDING OFFICER. The amendment will be stated. The legislative clerk read as follows:

*Resolved*, That the Senate agree to the amendment of the House of Representatives to the bill (S. 7) entitled "An Act to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes", with the following

SENATE AMENDMENT TO HOUSE AMENDMENT

In lieu of the matter proposed to be inserted by the House engrossed amendment insert:

That this Act, with the following table of contents, may be cited as the "Rehabilitation Act of 1972".

TABLE OF CONTENTS

Sec. 2. Declaration of purpose.
Sec. 3. Rehabilitation Service Administration.
Sec. 4. Advance funding.
Sec. 5. Joint funding.
Sec. 6. Consolidated rehabilitation plan.
Sec. 7. Definitions.
Sec. 8. Allotment percentage.
Sec. 9. Audit.
Sec. 10. Nonduplication.

TITLE I—VOCATIONAL REHABILITATION SERVICES

PART A—GENERAL PROVISIONS

Sec. 100. Declaration of purpose: Authorization of appropriations.
Sec. 101. State plans.
Sec. 102. Individualized written rehabilitation program.
Sec. 103. Scope of vocational rehabilitation services.
Sec. 104. Non-Federal share for construction.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

Sec. 110. State allotments.
Sec. 111. Payments to States.
Sec. 112. Client assistance.

PART C—INNOVATION AND EXPANSION GRANTS

Sec. 120. State allotments.
Sec. 121. Payments to States.

TITLE II—COMPREHENSIVE REHABILITATION SERVICES

Sec. 200. Declaration of purpose: Authorization of appropriations.
Sec. 201. State allotments.
Sec. 202. Payments to States.
Sec. 203. State programs.
Sec. 204. Special projects.
Sec. 205. Definition.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

Sec. 300. Declaration of purpose.
Sec. 301. Grants for construction of rehabilitation facilities.
Sec. 302. Vocational training services for handicapped individuals.
Sec. 303. Mortgage insurance for rehabilitation facilities.
Sec. 304. Annual interest grants for mortgages for rehabilitation facilities.
Sec. 305. Special projects and demonstrations.
Sec. 306. National Center for Deaf-Blind Youths and Adults.
Sec. 307. Rehabilitation Centers for Deaf Individuals.
Sec. 308. Rehabilitation Centers for Spinal Cord Injuries.
Sec. 309. Grants for services for end-stage renal disease.
Sec. 310. Rehabilitation services for older blind individuals.
Sec. 311. National Advisory Council on Rehabilitation of Handicapped Individuals.
Sec. 312. State advisory councils.
Sec. 313. General grant and contract requirements.

TITLE IV—RESEARCH AND TRAINING

Sec. 400. Declaration of purpose.
Sec. 401. Authorization of appropriations.
Sec. 402. Research.
Sec. 403. Training.
Sec. 404. Reports.

TITLE V—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

Sec. 500. Administration.
Sec. 501. Program and project evaluation.
Sec. 502. Obtaining information from Federal agencies.
Sec. 503. Authorization of appropriations.
Sec. 504. Reports.
Sec. 505. Sheltered workshop study.

TITLE VI—OFFICE FOR THE HANDICAPPED

Sec. 600. Establishment of Office.
Sec. 601. Function of Office.
Sec. 602. Authorization of appropriations.

TITLE VII—MISCELLANEOUS

Sec. 700. Effect on existing laws.
Sec. 701. Federal Interagency Committee on Handicapped Employees.
Sec. 702. National Commission on Transportation and Housing for Handicapped Individuals.
Sec. 703. Architectural and Transportation Barriers Compliance Board.
Sec. 704. Employment under Federal contracts.
Sec. 705. Nondiscrimination under Federal grants.
Sec. 706. Appropriations for fiscal year 1973.

DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is to provide a statutory basis for the Rehabilitation Services Administration, to establish within the Department of Health, Education, and Welfare an Office for the Handicapped, and to authorize programs to—

(1) develop and implement comprehensive and continuing State plans for meeting the current and future needs for providing vocational rehabilitation services to handicapped individuals and to provide such services for the benefit of such individuals, serving first those with the most severe handicaps, so that they may prepare for and engage in gainful employment;

(2) evaluate the rehabilitation potential of handicapped individuals;

(3) develop, implement, and provide comprehensive rehabilitation services to meet the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible so that they may improve their ability to live with greater independence and self-sufficiency;

(4) assist in the construction and improvement of rehabilitation facilities;

(5) develop new and innovative methods of applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems and develop new and innovative methods of providing rehabilitation services to handicapped individuals through research, special projects, and demonstrations;

(6) initiate and expand services to groups of handicapped individuals (including those who are homebound and institutionalized) who have been underserved in the past;

(7) direct the conduct of various studies and experiments to focus on long neglected problem areas;

(8) promote and expand employment opportunities in the public and private sectors for handicapped individuals and to place such individuals in employment;

(9) establish client assistance pilot projects;

(10) provide assistance for the purpose of increasing the number of rehabilitation personnel and increasing their skills through training; and

(11) evaluate existing approaches to architectural and transportation barriers confronting handicapped individuals, develop new such approaches, enforce statutory and regulatory standards and requirements regarding barrier-free construction of public facilities and study and develop solutions to existing housing and transportation barriers impeding handicapped individuals.

REHABILITATION SERVICES ADMINISTRATION

SEC. 3. (a) There shall be in the Department of Health, Education, and Welfare a Rehabilitation Services Administration which shall be administered by a Commissioner (hereinafter referred to as the "Commissioner"). The Commissioner shall carry out and administer all programs and direct the performance of all services for which authority is provided under titles I through IV of this Act.

(b) There shall be within such Administration a Division of Research, Training, and Evaluation, which shall be responsible for carrying out programs and projects under title IV of this Act. There shall be within such Division a Center for Technology Assessment and Application, which shall be responsible for developing and supporting, and stimulating the development and utilization (including production and distribution of new and existing devices) of, innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems, and for administration of the activities described in section 402(b)(2). Such Division shall be directed by an Assistant Commissioner, who shall be responsible to the Commissioner and shall be a person of outstanding scientific and technological achievement and learning and shall carry out his responsibilities in consultation with the National Science Foundation and the National Academy of Sciences, and shall be assigned at least ten fulltime positions, five of which shall be filled by professionals of qualifications similar to the Assistant Commissioner.

(c) The Secretary shall take whatever action is necessary to insure that funds appropriated pursuant to this Act, as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42), are expended only for the programs, personnel, and administration of programs carried out under this Act.

(d) In order to carry out the purposes of this Act, the authorized level of full-time personnel, or the equivalent, assigned to the Rehabilitation Services Administration to carry out duties related to the administration of this Act, is increased by sixty.

ADVANCE FUNDING

SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

JOINT FUNDING

SEC. 5. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where

funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Rehabilitation Services Administration, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements of the administering agency under or pursuant to this Act.

CONSOLIDATED REHABILITATION PLAN

SEC. 6. (a) In order to secure increased flexibility to respond to the varying needs and local conditions within the State, and in order to permit more effective and interrelated planning and operation of its rehabilitation programs, the State may submit a consolidated rehabilitation plan which includes the State's plan section 101(a) of this Act and its program for persons with developmental disabilities under the Developmental Disabilities Services and Facilities Construction Amendments of 1970: *Provided*, That the agency administering such State's program under such Act concurs in the submission of such a consolidated rehabilitation plan.

(b) Such a consolidated rehabilitation plan must comply with, and be administered in accordance with, all the requirements of this Act and the Developmental Disabilities Services and Facilities Construction Amendments of 1970. If the Secretary finds that all such requirements are satisfied, he may approve the plan to serve in all respects as the substitute for the separate plans which would otherwise be required with respect to each of the programs included therein, or he may advise the State to submit separate plans for such programs.

(c) Findings of noncompliance in the administration of an approved consolidated rehabilitation plan, and any reductions, suspensions, or terminations of assistance as a result thereof, shall be carried out in accordance with the procedures set forth in subsections (c) and (d) of section 101 of this Act.

DEFINITIONS

SEC. 7. For the purposes of this Act:

(1) The term "comprehensive rehabilitation services" means vocational rehabilitation services and any other goods (including aids and devices) or services provided with funds until titles II, III, or IV of this Act that will make a substantial contribution in helping a handicapped individual to improve his ability to live independently or function normally with his family and community.

(2) The term "construction" means the construction of new buildings, the acquisition, expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such buildings, and the term "cost of construction" includes architects' fees and acquisition of land in connection with construction but does not include the cost of offsite improvements.

(3) The term "criminal act" means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.

(4) The term "establishment of a rehabilitation facility" means, the acquisition, expansion, remodeling, or alteration of existing buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Commissioner may determine, in accordance with regulations he shall prescribe, in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of such facilities), and the initial equipment for such buildings, and may include the initial staffing thereof.

(5) The term "evaluation of rehabilitation potential" means, as appropriate in each case—

(A) a preliminary diagnostic study to determine that the individual has a substantial handicap to employment, and that vocational or comprehensive services are needed;

(B) a diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

(C) an appraisal of the individual's patterns of work behavior and ability to acquire occupational skill, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(D) any other goods or services provided for the purpose of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services or comprehensive rehabilitation services;

(E) referral;

(F) the administration of these evaluation services; and

(G)(i) the provision of vocational rehabilitation services or the provision of comprehensive rehabilitation services to any individual for a total period not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual, a handicapped individual for whom a vocational goal is not possible or feasible (as determined in accordance with section 102(c)), or neither such individual; and (ii) an assessment, at least once in every ninety-day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subclause (i) may be made.

(6) The term "Federal share" means 80 per centum, except that that term means 90 per centum for the purposes of part C of title I and title II of this Act and as specifically set forth in section 301: *Provided*, That with respect to payments pursuant to part B of title I of this Act to any State which are not used to meet the costs of construction of those rehabilitation facilities identified in section 103(b)(2) in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 301(b)(3) applicable with respect to that State and that, for the purpose of determining the non-Federal share with respect to any State, expenditures by a political subdivision thereof or by a local agency shall, subject to such limitations and conditions as the Commissioner shall by regulation prescribe, be regarded as expenditures by such State.

(7) The term "handicapped individual" means any individual who (A) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment and (B) can reasonably be expected to benefit from vocational rehabilitation services, or comprehensive rehabilitation services provided pursuant to title II, III, or IV of this Act.

(8) The term "local agency" means an agency of a unit of general local government or of an Indian tribe organization (or combination of such units or organizations) which has an agreement with the State agency designated pursuant to section 101(a)(1) to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 101. Nothing in the preceding sentence of this paragraph or in section 101 shall be construed to prevent the local agency from utilizing another local public or nonprofit agency to provide vocational or comprehensive rehabilitation services: *Provided*, That such an arrangement is made part of the agreement specified in this paragraph.

(9) The term "nonprofit", when used with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(10) The term "public safety officer" means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to—

(A) the enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the National Guard or the Armed Forces,

(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees,

(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

(D) firefighting, fire prevention, or emergency rescue missions.

(11) The term "rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation or comprehensive rehabilitation services to handicapped individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (A) vocational and comprehensive rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (B) testing, fitting, or training in the use of prosthetic and orthotic devices, (C) prevocational conditioning or recreational therapy, (D) physical and occupational therapy, (E) speech and hearing therapy, (F) psychological and social services, (G) evaluation of rehabilitation potential, (H) personal and work adjustment, (I) vocational training with a view toward career advancement (in combination with other rehabilitation services), (J) evaluation or control of specific disabilities, (K) orientation and mobility services to the blind, and (L) extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market, except that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

(12) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

(13) The term "severe handicap" means the disability which requires multiple services over an extended period of time and results from amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure, and any other disability specified by the Commissioner in regulations he shall prescribe.

(14) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, and for the purposes of American Samoa and the Trust Territory of the Pacific Islands, the appropriate State agency designated as provided in section 101(a)(1) shall be the Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be.

(15) The term "vocational rehabilitation services" means services identified in section 103 which are provided to handicapped individuals under this Act.

ALLOTMENT PERCENTAGE

SEC. 8. (a)(1) The allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum.

(2) The allotment percentages shall be promulgated by the Commissioner between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning on the July 1 next succeeding such promulgation.

(3) The term "United States" means (but only for purposes of this subsection) the fifty States and the District of Columbia.

(b) The population of the several States and of the United States shall be determined on the basis of the most recent data available, to be furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

AUDIT

SEC. 9. Each recipient of a grant or contract under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or funds thereunder used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant or contract under this Act which are pertinent to such grant or contract.

NONDUPLICATION

SEC. 10. In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in acordance with section 101 or for the purposes of providing comprehensive rehabilitation services pursuant to title II of this Act, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any other provision of law, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds. No payment may be made from funds provided under one provision of this Act relating to any cost with respect to which any payment is made under any other provision of this Act.

## TITLE I—VOCATIONAL REHABILITATION SERVICES

### PART A—GENERAL PROVISIONS

DECLARATION OF PURPOSE: AUTHORIZATION OF APPROPRIATIONS

SEC. 100. (a) The purpose of this title is to authorize grants to assist States to meet the current and future needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities.

(b)(1) For the purpose of making grants to States under part B of this title to assist them in meeting costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $700,000,000 for the fiscal year ending June 30, 1973, and $800,000,000 for the fiscal year ending June 30, 1974.

(2) For the purpose of making grants under section 120, relating to grants to State and public and nonprofit agencies to assist them in meeting the costs of projects to initiate or expand services to handicapped individuals (especially those with the most severe handicaps) there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

STATE PLANS

SEC. 101. (a) For each fiscal year in which a State desires to participate in programs under this title and pursuant to title II of this Act, a State shall submit to the Commissioner for his approval an annual plan for vocational and comprehensive rehabilitation services which shall—

(1)(A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration by a local agency, except that (i) where under the State's law the State agency for the blind or other agency which provides assistance or services to the adult blind, is authorized provide vocational and comprehensive rehabilitation services to such individuals, such agency may be designated as the sole State agency to administer the part of the plan under which vocational and comprehensive rehabilitation services are provided for the blind (or to supervise the administration of such part by a local agency) and a separate State agency may be designated as the sole State agency with respect to the rest of the State plan, and (ii) the Secretary, upon the request of a State, may authorize such agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit such agencies to carry out a joint program to provide services to handicapped individuals, and may waive compliance with respect to vocational rehabilitation services furnished under such programs with the requirement of clause (4) of this subsection that the plan be in effect in all political subdivisions of the State;

(B) provide that the State agency so designated to administer or supervise the administration of the State plan, or (if there are two State agencies designated under subclause (A) of this clause) to supervise or administer the part of the State plan that does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency which includes at least two other major organizational units each of which administers one or more of the major public education, public health, public welfare, or labor programs of the State;

(2) provide, except in the case of agencies described in clause (1)(B)(i)—

(A) that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work; and

(B)(i) that such unit shall be located at an organizational level and shall have an organizational status within such State agency comparable to that of other major organizational units of such agency, or (ii) in the case of an agency described in clause (1)(B)(ii), either that such unit shall be so located and have such status, or that the director of such unit shall be the executive officer of such State agency; except that, in the case of a State which has designated only one State agency pursuant to clause (1) of this subsection, such State may, if it so desires, assign responsibility for the part of the plan under which vocational and comprehensive rehabilitation services are provided for the blind to one organizational unit of such agency and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provisions of this clause applying separately to each of such units;

(3) provide for financial participation by the State, or if the State so elects, by the State and local agencies to meet the amount of the non-Federal share;

(4) provide that the plan shall be in effect in all political subdivisions, except that in the case of any activity which, in the judgment of the Commissioner, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of handicapped individuals or groups of handicapped individuals the Commissioner may waive compliance with the requirement herein that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, but only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a local agency (including, to the extent permitted by such regulations, funds contributed to such agency by a private agency, organization, or individual);

(5)(A) contain the plans, policies, and methods to be followed in carrying out the State plan and in its administration and supervision, including a description of the method to be used to expand and improve services to handicapped individuals with the most severe handicaps; and, in the event that vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply for such services, show (i) the order to be followed in selecting individuals to whom vocational rehabilitation services will be provided, and show the order to be followed in selecting individuals to

whom comprehensive rehabilitation services will be provided, and (ii) the outcomes and service goals, and the time within which they may be achieved, for the rehabilitation of such individuals, which order of selection for the provision of vocational rehabilitation services shall be determined on the basis of serving first those individuals with the most severe handicaps and shall be consistent with priorities in such order of selection so determined, and outcome and service goals for serving handicapped individuals, established in regulations prescribed by the Commissioner, and

(B) provide satisfactory assurances to the Commissioner that the State has studied and considered a broad variety of means for providing services to individuals with the most severe handicaps;

(6)(A) contain the plans, policies, and methods to be followed in providing comprehensive rehabilitation services pursuant to title II of this Act, and

(B) provide satisfactory assurances that no such comprehensive rehabilitation services shall be paid for with funds under title II of this Act unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such services;

(7) provide for such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Commissioner to be necessary for the proper and efficient administration of the plan;

(8) contain (A) provisions relating to the establishment and maintenance of personnel standards, which are consistent with any State licensure laws and regulations, including provisions relating to the tenure, selection, appointment, and qualifications of personnel, and (B) provisions relating to the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of vocational and comprehensive rehabilitation services, but the Commissioner shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provisions;

(9) provide, at a minimum, for the provision of the vocational rehabilitation services specified in clauses (1) through (3) of subsection (a) of section 103, and the remainder of such services specified in such section after full consideration of eligibility for similar benefits under any other program, except that, in the case of the vocational rehabilitation services specified in clauses (4) and (5) of subsection (a) of such section, such consideration shall not be required where it would delay the provision of such services to any individual;

(10) provide that (A) an individualized written rehabilitation program meeting the requirements of section 102 will be developed for each handicapped individual eligible for vocational or comprehensive rehabilitation services under this Act, (B) such services will be provided under the plan in accordance with such program, and (C) records of the characteristics of each applicant will be kept specifying, as to those individuals who apply for services under this title or pursuant to title II of this Act and are determined not to be eligible therefor, the reasons for such determinations;

(11) provides that the State agency will make such reports in such form, containing such information (including the data described in subclause (C) of clause (10) of this subsection, periodic estimates of the population of handicapped individuals eligible for services under this Act in such State, specifications of the number of such individuals who will be served with funds provided under this Act and the outcomes and service goals to be achieved for such individuals in each priority category specified in accordance with clause (5) of this subsection, and the service costs for each such category), and at such time as the Commissioner may require to carry out his functions under this title, and comply with such provisions as he may find necessary to assure the correctness and vertification of such reports;

(12) provide for entering into cooperative arrangements with, and the utilization of the services and facilities of, the State agencies administering the State's public assistance programs, other programs for handicapped individuals, veterans programs, manpower programs, and public employment offices, and the Social Security Administration of the Department of Health, Education, and Welfare, the Veterans' Administration, and other Federal, State, and local public agencies providing services related to the rehabilitation of handicapped individuals;

(13) provide satisfactory assurances to the Commissioner that, in the provision of vocational rehabilitation and comprehensive rehabilitation services, maximum utilization shall be made of public or other vocational or technical training facilities or other appropriate resources in the community;

(14)(A) provide that vocational rehabilitation and comprehensive rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the performance of his duty on the same terms and conditions as apply to other persons, and

(B) provide that special consideration will be given to the rehabilitation under this Act of a handicapped individual whose handicapping condition arises from a disability sustained in the line of duty while such individual was performing as a public safety officer and the proximate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities;

(15) provide that no residence requirement will be imposed which excludes from services under the plan any individual who is present in the State;

(16) provide for continuing statewide studies of the needs of handicapped individuals and how these needs may be most effectively met (including the State's needs for rehabilitation facilities) with a view toward the relative need for services to significant segments of the population of handicapped individuals and the need for expansion of services to those individuals with the most severe handicaps;

(17) provide for (A) periodic review and reevaluation of the status of handicapped individuals placed in extended employment in rehabilitation facilities (including workshops) to determine the feasibility of their employment, or training for employment, in the competitive labor market, and (B) maximum efforts to place such individuals in such employment or training whenever it is determined to be feasible;

(18) provide that where such State plan includes provisions for the construction of rehabilitation facilities—

(A) the Federal share of the cost of construction thereof for a fiscal year will not exceed an amount equal to 10 per centum of the State's allotment for such year,

(B) the provisions of section 313 shall be applicable to such construction and such provisions shall be deemed to apply to such construction, and

(C) there shall be compliance with regulations the Commissioner shall prescribe designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services (other than for the establishment of rehabilitation facilities) because its plan includes such provisions for construction;

(19) provide satisfactory assurances to the Commissioner that the State agency designated pursuant to clause (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of individuals and groups thereof who are recipients of vocational or comprehensive rehabilitation services (or, in appropriate cases, their parents or guardians), working in the field of vocational and comprehensive rehabilitation services; and

(20) provide satisfactory assurances to the Commissioner that the continuing studies required under clause (16) of this subsection, as well as an annual evaluation of the effectiveness of the program in meeting the goals and priorities set forth in the plan, will form the basis for the submission, from time to time as the Commissioner may require, of appropriate amendments to the plan.

(b) The Commissioner shall approve any plan which he finds fulfills the conditions specified in subsection (a) of this section, and he shall disapprove any plan which does not fulfill such conditions. Prior to such disapproval, the Commissioner shall notify a State of his intention to disapprove its plan, and he shall afford such State reasonable notice and opportunity for hearing.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this section, finds that—

(1) the plan has been so changed that it no longer complies with the requirements of subsection (a) of this section; or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that such further payments will be reduced, in accordance with regulations the Commissioner shall prescribe, or that further payments will not be made to the State only for the projects under the parts of the State plan affected by such failure), until he is satisfied there is no longer any such failure. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to projects under those parts of the State plan in which there is no such failure).

(d) If any State is dissatisfied with the Commissioner's action under subsection (b) or (c) of this section, such State may appeal to the United States district court for the district where the capital of such State is located and judicial review of such action shall be on the record in accordance with the provisions of chapter 7 of title 5, United States Code.

INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM

SEC. 102. (a) The Commissioner shall insure that the individualized written rehabilitation program required by section 101(a)(10) in the case of each handicapped individual is developed jointly by the vocational rehabilitation counselor or coordinator and the handicapped individual (or, in appropriate cases, his parents or guardians), and that such program meets the requirements set forth in subsection (b) of this section. Such written program shall set forth the terms and conditions, as well as the rights and remedies, under which goods and services will be provided to the individual.

(b) Each individualized written rehabilitation program shall be reviewed on an annual basis at which time each such individual (or, in appropriate cases, his parents or guardians) will be afforded an opportunity to review such program and renegotiate its terms. Such program shall include, but not be limited to (1) a statement of long-range rehabilitation goals for the individual and intermediate rehabilitation objectives related to the attainment of such goals, (2) a statement of the specific vocational or comprehensive rehabilitation services to be provided, (3) the projected date for the initiation and the anticipated duration of each such service, (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and, (5) where appropriate, a detailed explanation of the availability of a client assistance project established in such area pursuant to section 112.

(c) The Commissioner shall also insure that (1) in developing and carrying out the individual written rehabilitation program required by section 101 in the case of each handicapped individual primary emphasis is placed upon the determination and achievement of a vocational goal for such individual, (2) a decision that such an individual is not capable of achieving such a goal, and thus not eligible for vocational rehabilitation services provided with assistance under this part, is made only in full consultation with such individual (or, in appropriate cases, his parents or guardians), and only upon the certification, as an amendment to such written program, that the evaluation of rehabilitation potential has demonstrated beyond any reasonable doubt that such individual is not then capable of achieving such a goal, and (3) any such decision shall be reviewed at least annually in accordance with the procedure and criteria established in this action.

SCOPE OF VOCATIONAL REHABILITATION SERVICES

SEC. 103. (a) Vocational rehabilitation services provided under this Act are any goods or services necessary to render a handicapped individual employable, including, but not limited to, the following:

(1) evaluation of rehabilitation potential, including diagnostic and related services, incidental to the determination of eligibility for, and the nature and scope of, services to be provided, including, where appropriate, examination by a physician skilled in the diagnosis and treatment of emotional disorders, or by a licensed psychologist in accordance with State laws and regulations, or both;

(2) counseling, guidance, referral, and placement services for handicapped individuals, including follow-up, follow-along, and other postemployment services necessary to assist such individuals to maintain their employment and services designed to help handicapped individuals secure needed services from other agencies, where such services are not available under this Act;

(3) vocational and other training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials, and services to the families of such individuals as are necessary to the adjustment or rehabilitation of such individuals: *Provided*, That no training services in institutions of higher education shall be paid for with funds under this title or title II of this Act unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training;

(4) physical and mental restoration services, including, but not limited to, (A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (B) necessary hospitalization in connection with surgery or treatment, (C) prosthetic and orthotic devices, (D) eyeglasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select, (E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals suffering from end-stage renal disease, and (F) diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist in accordance with State licensure laws;

(5) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(6) interpreter services for the deaf, and reader services for those individuals determined to be blind after an examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select;

(7) recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment;

(8) rehabilitation teaching services and orientation and mobility services for the blind;

(9) occupational licenses, tools, equipment, and initial stocks and supplies;

(10) transportation in connection with the rendering of any vocational rehabilitation service; and

(11) telecommunications, sensory, and other technological aids and devices.

(b) Vocational rehabilitation services, when provided for the benefit of groups of individuals, may also include the following:

(1) in the case of any type of small business operated by individuals with the most severe handicaps the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, alone or together with the acquisition by the State agency of vending facilities or other equipment and initial stocks and supplies; and

(2) the construction or establishment of public or nonprofit rehabilitation facilities and the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the individualized written rehabilitation program of any one handicapped individual.

NON-FEDERAL SHARE FOR CONSTRUCTION

SEC. 104. For the purpose of determining the amount of payments of States for carrying out part B of this title, the non-Federal share, subject to such limitations and conditions as may be prescribed in regulations by the Commissioner, shall include contributions of funds made by any private agency, organization, or individual to a State or local agency to assist in meeting the costs of construction or establishment of a public or nonprofit rehabilitation facility, which would be regarded as State or local funds except for the condition, imposed by the contributor, limiting use of such funds to construction or establishment of such facility.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

STATE ALLOTMENTS

SEC. 110. (a) For each fiscal year, each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated under subsection (b)(1) of section 100 for allotment under this section as the product of (1) the population of the State and (2) the square of its allotment percentage bears to the sum of the corresponding products for all the States. The allotment to any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) under the first sentence of this subsection for any fiscal year which is less than one-quarter of 1 per centum of the amount appropriated under section 100(b)(1), or $2,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining such States under the first sentence of this subsection, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this title, he shall make such amount available for carrying out the purposes of this title to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 111. (a) From each State's allotment under this part for any fiscal year, the Commissioner shall pay to such State an amount equal to the Federal share of the cost of vocational rehabilitation services under the plan for such State approved under section 101, including expenditures for the administration of the State plan, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) of section 110 for such year and such payments shall not be made in an amount which would result in a violation of the provisions of the State plan required by clause (18) of section 101 (a), and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources during such year under this title are less than expenditures under the State plan for the fiscal year ending June 30, 1972, under the Vocational Rehabilitation Act.

(b) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

(1) The Commissioner shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of such subsection for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Commissioner may find necessary.

(2) The Commissioner shall pay, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such subsection was greater or less than the amount which should have been paid to the State for such prior period under such subsection. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Commissioner may determine.

CLIENT ASSISTANCE

SEC. 112. (a) The Commissioner shall set aside out of funds appropriated under section 305 for special projects and demonstrations up to $2,500,000 but no less than $1,000,000 for the fiscal year ending on June 30, 1973, and up to $5,000,000 but no less than $1,000,000 each for the two succeeding fiscal years to establish in no less than 10 nor more than 20 geographically dispersed regions client assistance pilot projects (hereinafter in this section referred to as "projects") to provide counselors to inform and advise all clients and client applicants in the project area of all available benefits under this Act and to assist them in their relationships with projects, programs, and facilities providing services to them under this Act.

(b) The Commissioner shall prescribe regulations which shall include the following requirements:

(1) All employees of such projects shall not be presently serving as staff, consultants or receiving benefits of any kind directly or indirectly from any rehabilitation project, program or facility.

(2) The staff of such projects shall be afforded reasonable access to policy-making and administrative personnel in State and local rehabilitation programs, projects, and facilities.

(3) The project shall submit an annual report, through the State agency designated pursuant to section 101, to the Commissioner on the operation of the project during the previous year including a summary of the work done and a uniform statistical tabulation of all cases handled by such project. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Commissioner, together with a summary of such reports and his evaluation of such projects, including appropriate recommendations.

(4) Each State agency may enter into cooperative arrangements with institutions of higher education to secure the services in such projects of graduate students who are undergoing clinical training activities in related fields. No compensation with funds appropriated under this Act shall be provided to such students.

(5) Reasonable assurance shall be given by the appropriate State agency that all clients or client applicants within the project area shall have the opportunity to receive adequate service under the project and shall not be pressured against or otherwise discouraged from availing themselves of the services available under such project.

(6) The project shall be funded, administered, and operated directly by the State agency designated pursuant to section 101.

PART C—INNOVATION AND EXPANSION GRANTS

STATE ALLOTMENTS

SEC. 120. (a) From the sums available pursuant to section 100(b)(2) for any fiscal year for grants to States to assist them in meeting the costs described in section 121, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of the State bears to the population of all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $50,000 (or such other amount as may be specified as a minimum allotment in the Act appropriating such sums for such year) shall be increased to that amount, and for the fiscal years ending June 30, 1973, and June 30, 1974, no State shall receive less than the amount necessary to cover up to 90 per centum of the cost of continuing projects assisted under section 4(a)(2)(A) of the Vocational Rehabilitation Act, except that no such project may receive financial assistance under both the Vocational Rehabilitation Act and this Act for a total period of time in excess of three years. The total of the increase required by the preceding sentence shall be derived by proportionately reducing the allotments to each of the remaining States under the first sentence of this section, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from thereby being reduced to less than $50,000.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 121. (a) From each State's allotment under this part for any fiscal year, the Commissioner shall pay to such State or, at the option of the State agency designated pursuant to section 101(a)(1), to a public or nonprofit organization or agency, a portion of the cost of planning, preparing for, and initiating special programs under the State plan approved pursuant to section 101 to expand vocational rehabilitation services, including programs to initiate or expand such services to individuals with the most severe handicaps, or of special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual and difficult problems in connection with their rehabilitation, particularly handicapped individuals who are poor, and responsibility for whose treatment, education, and rehabilitation is shared by the State agency designated in section 101 with other agencies. The Commissioner may require that any portion of a State's allotment under this section, but not more than 50 per centum of such allotment, may be expended in connection with only such projects as have first been approved by the Commissioner. Any grant of funds under this section which will be used for direct services to handicapped individuals or for establishing or maintaining facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency designated pursuant to section 101.

(b) Payments under this section with respect to any project may be made for a period of not to exceed three years beginning with the commencement of the project as approved, and sums appropriated for grants under this section shall remain available for such grants through the fiscal year ending June 30, 1976. Payments with respect to any project may not exceed 90 per centum of the cost of such project. The non-Federal share of the cost of a project may be in cash or in kind and may include funds spent for project purposes by a cooperating public or nonprofit agency provided that it is not included as a cost in any other federally financed program.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Commissioner, and shall be made on such conditions as the Commissioner finds necessary to carry out the purposes of this section.

TITLE II—COMPREHENSIVE REHABILITATION SERVICES

DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

SEC. 200. (a) The purpose of this title is to authorize grants (supplementary to grants for vocational rehabilitation services under title I of this Act) to assist the several States in developing and implementing continuing plans for meeting the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible, including the assessment of disability and rehabilitation potential, and for the training of specialized personnel needed for the provision of services to such individuals and research related thereto.

(b) In order to make grants to carry out the purposes of this title, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975.

STATE ALLOTMENTS

SEC. 201. (a) From sums appropriated to carry out the provisions of this title for each fiscal year, less the amounts reserved by the Commissioner for projects under section 204, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the product of (1) the population of the State, and (2) its allotment percentage bears to the sum of the corresponding products for all of the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $150,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States to the extent he determines such State will be able to use additional amounts during such year for carrying out such purpose. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purpose of this title, be regarded as an increase in the State's allotment (as determined under the preceding provisions of this section) for such year.

(c) In any fiscal year for which appropriations pursuant to this section do not exceed $20,000,000, the Commissioner, subsections (a) and (b) of this section and section 202 (a) to the contrary notwithstanding and subject to the provisions of section 313, shall carry out the purposes of this title by making grants to States and public or nonprofit organizations and agencies to pay the Federal share of the expenditures for such projects. Projects receiving such grants shall be carried out under the State plan approved under section 101 (except for the priorities in the order of selection required by section 101(a)(5)(A)) in a manner consistent with the State program submitted under section 203.

PAYMENTS TO STATE

SEC. 202. (a) From each State's allotment under this title for any fiscal year, the Commissioner shall pay to such State the Federal share of the expenditures incurred during such year under its State program submitted under section 203 and approved as part of the State plan approved under section 101. Such payments may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

(b) The Federal share with respect to any State shall be 90 per centum of the expenditures incurred by the State during such year under its State program submitted under

section 203 and approved as part of the State plan under section 101.

STATE PROGRAMS

SEC. 203. As a condition for receiving grants under this Act for the fiscal year ending June 30, 1974, a State must submit within one hundred and eighty days after the date of enactment of this Act an amendment to its plan submitted to the Commissioner under section 101 or to the Secretary under section 5 of the Vocational Rehabilitation Act which includes a program for provision of comprehensive rehabilitation services to bring about the rehabilitation of handicapped individuals under this title. A State shall also include such a program in its plan under section 101 submitted for each subsequent fiscal year. Such program, in addition to those requirements provided in section 101(a)(6), shall (1) designate the State agency or agencies administering the State plan for vocational rehabilitation as the agency or agencies to administer funds provided under this title; (2) provide that comprehensive rehabilitation services will be provided for the rehabilitation of handicapped individuals only in accordance with the individualized written rehabilitation program required by section 102 and only after the requirements of subsection (c) of such section have been met; (3) describe the quality, scope, and extent of the services being provided; (4) demonstrate that the State has studied and considered a broad variety of means for providing comprehensive rehabilitation services under this title, including but not limited to, regional and community centers, halfway houses, services to homebound and institutionalized individuals, and patient-release programs, where such programs are appropriate and beneficial; (5) be approved or disapproved under the criteria and procedures provided with respect to the State plan submitted under section 101; and (6) conform to such other requirements as the Commissioner by regulation may prescribe.

SPECIAL PROJECTS

SEC. 204. From sums appropriated under section 200(b), the Commissioner may retain not to exceed 10 per centum or $500,000, whichever is smaller, to enable him to make grants to States and public and nonprofit agencies or organizations to pay part of the cost of projects for research and demonstration and training which hold promise of making a substantial contribution to the solution of problems related to the rehabilitation of individuals under this title.

DEFINITION

SEC. 205. For the purposes of this title, the term "rehabilitation" means the goal of achieving, through the provision of comprehensive rehabilitation services, substantial improvement in the ability to live independently or function normally with his family or community on the part of a handicapped individual, who, according to a certification under section 102(c), is not then capable of achieving a vocational goal.

## TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

DECLARATION OF PURPOSE

SEC. 300. The purpose of this title is to—

(1) authorize grants and contracts to assist in the construction and initial staffing of rehabilitation facilities;

(2) authorize grants and contracts to assist in the provision of vocational training services to handicapped individuals;

(3) to insure mortgages covering the construction of certain nonprofit rehabilitation facilities and authorize annual interest grants to help meet the costs of making principal payments in connection with such mortgages, whether insured or not;

(4) authorize grants for special projects and demonstrations which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, which experiment with new types of patterns of services or devices for the rehabilitation of handicapped individuals (includng opportunities for new careers for handicapped individuals, and for other individuals in programs serving handicapped individuals) and which provide vocatonal and comprehensive rehabilitation services to hanicapped migratory agricultural workers or seasonal farmworkers;

(5) establish and operate a National Center for Deaf-Blind Youths and Adults;

(6) authorize grants and contracts to establish and operate Rehabilitation Centers for Deaf Individuals;

(7) establish and operate National Centers for Spinal Cord Injuries;

(8) provide services for the treatment of individuals suffering from end-stage renal disease;

(9) authorize grants and contracts to assist in the provision of rehabilitation services to older blind individuals and in the application of new types or patterns of services or devices for the benefit of such individuals;

(10) establish a National Advisory Council on Rehabilitation of Handicapped Individuals to advise the Commissioner and Secretary and conduct reviews with respect to programs carried out under this Act;

(11) establish State Advisory Councils to advise Governors and State agencies in carrying out State plans approved under this Act; and

(12) establish uniform grant and contract requirements for programs assisted under this title and certain other provisions of this Act.

GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

SEC. 301. (a) For the purpose of making grants and contracts under this section for construction of rehabilitation facilities, initial staffing, and planning assistance, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973; $10,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975. Amounts so appropriated shall remain available for expenditure with respect to construction projects funded or initial staffing grants made under this section prior to July 1, 1977.

(b)(1) The Commissioner is authorized to make grants to assist in meeting the costs of construction of public or nonprofit rehabilitation facilities. Such grants may be made to States and public or nonprofit organizations and agencies for projects for which applications are approved by the Commissioner under this section.

(2) To be approved, an application for a grant for a construction project under this section must conform to the provisions of section 313.

(3) The amount of a grant under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share which is applicable in the case of rehabilitation facilities (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(a)), in such State, except that if the Federal share with respect to rehabilitation facilities in such State is determined pursuant to subparagraph (b)(2) of section 645 of such Act (42 U.S.C. 291o(b)(2)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations prescribed by the Commissioner designed to achieve as nearly as practicable results comparable to the results obtained under such subparagraph.

(c) The Commissioner is also authorized to make grants to assist in the initial staffing of any public or nonprofit rehabilitation facility constructed after the date of enactment of this section (whether or not such construction was financed with the aid of a grant under this section) by covering part of the costs (determined in accordance with regulations the Commissioner shall prescribe) of compensation of professional or technical personnel of such facility during the period beginning with the commencement of the operation of such facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

(d) The Commissioner is also authorized to make grants upon application approved by the State agency designated under section 101 to administer the State plan, to public or nonprofit agencies, institutions, or organizations to assist them in meeting the cost of planning rehabilitation facilities and the services to be provided by such facilities.

VOCATIONAL TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS

SEC. 302. (a) For the purpose of making grants and contracts under this section, there is authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975.

(b)(1) The Commissioner is authorized to make grants to States and public or nonprofit organizations and agencies to pay up to 90 per centum of the cost of projects for providing vocational training services to handicapped individuals, especially those with the most severe handicaps, in public or nonprofit rehabilitation facilities.

(2)(A) Vocational training services for purposes of this subsection shall include training with a view toward career advancement; training in occupational skills; related services, including work evaluation, work testing, provision of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to individuals receiving such training and related services.

(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed $30 plus $10 for each of the individual's dependents, or $70, whichever, is less. In determining the amount of such allowances for any individual, consideration shall be given to the individual's needs for such an allowance, including any expenses reasonably attributable to receipt of training services, the extent to which such an allowance will help assure entry into and satisfactory competition of training, and such other factors, specified by the Commissioner, as will promote such individual's capacity to engage in gainful and suitable employment.

(3) The Commissioner may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such project is to prepare handicapped individuals, especially those with the most severe handicaps, for gainful and suitable employment; (B) the individuals to receive training services under such project will include only those who have been determined to be suitable for and in need of such training services by the State agency or agencies designated as provided in section 101(a)(1) of the State in which the rehabilitation facility is located; (C) the full range of training services will be made available to each such individual, to the extent of his need for such services; and (D) the project, in-

cluding the participating rehabilitation facility and the training services provided, meet such other requirements as he may prescribe in regulations for carrying out the purposes of this subsection.

(c) (1) The Commissioner is authorized to make grants to public or nonprofit rehabilitation facilities, or to an organization or combination of such facilities, to pay the Federal share of the cost of projects to analyze, improve, and increase their professional services to handicapped individuals, their management effectiveness, or any other part of their operations affecting their capacity to provide employment and services for such individuals.

(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

MORTGAGE INSURANCE FOR REHABILITATION FACILITIES

SEC. 303. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for handicapped individuals.

(b) For the purpose of this section the terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Commissioner, in consultation with the Secretary of Housing and Urban Development, and subject to the provisions of section 313, is authorized to insure up to 100 per centum of any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon, except that no mortgage of any public agency shall be insured under this section if the interest from such mortgage is exempt from Federal taxation.

(d) In order to carry out the purpose of this section, the Commissioner is authorized to insure any mortgage which covers construction of a public or nonprofit rehabilitation facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Commissioner, who demonstrates ability successfully to operate one or more programs for handicapped individuals. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Commissioner may make such contracts with and acquire for not to exceed $100 such stock of interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section), and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Commissioner under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the rehabilitation facility, when the proposed improvements are completed and the equipment is installed, but not including any cost covered by grants in aid under this Act or any other Federal Act.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Commissioner shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Commissioner finds necessary to meet the mortgage market.

(c) The Commissioner shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Commissioner is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Commissioner may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he shall by regulation prescribe.

(g) (1) The Commissioner shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act. The Commissioner may, pursuant to a formal delegation agreement containing regulations prescribed by him, delegate to the Secretary of Housing and Urban Development authority to administer this section and section 304 of this Act in accordance with such delegation agreement.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) and all references in such provisions to "Secretary" shall be deemed to refer to the Commissioner of the Rehabilitation Services Administration within the Department of Health, Education, and Welfare.

(h) (1) There is hereby created a Rehabilitation Facilities Insurance Fund which shall be used by the Commissioner as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Rehabilitation Facilities Insurance Fund.

(2) The general expenses of the operations of the Rehabilitation Services Administration relating to mortgages insured under this section may be charged to the Rehabilitation Facilities Insurance Fund.

(3) Moneys in the Rehabilitation Facilities Insurance Fund not needed for the current operations of the Rehabilitation Services Administration with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Commissioner may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Rehabilitation Facilities Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisals and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Commissioner in connection therewith, and all earnings as the assets of the fund, shall be credited to the Rehabilitation Facilities Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Rehabilitation Facilities Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary, except that the total amount of outstanding mortgages insured shall not exceed $250,000,000.

ANNUAL INTEREST GRANTS FOR MORTGAGES FOR REHABILITATION FACILITIES

SEC. 304. (a) To assist States and public or nonprofit agencies and organizations to reduce the cost of borrowing from other sources for the construction of rehabilitation facilities, the Commissioner, subject to the provisions of section 313, may make annual interest grants to such agencies.

(b) Annual interest grants under this section with respect to any rehabilitation facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount sufficient to reduce by 4 per centum the net effective interest rate otherwise payable on the loan or to equal one-half of such rate, whichever is the lesser amount: *Provided*, That the amount on which such grant is based shall be approved by the Commissioner.

(c) (1) There are authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants in accordance with this section.

(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid pursuant of contracts entered into under this section shall grants which may be paid pursuant to contracts entered into prior to June 30, 1973; $2,000,000 with respect to contracts entered into prior to June 30, 1974; and $4,000,000 with respect to contracts entered into prior June 30, 1975.

(3) Not more than 15 per centum of the funds expended under this section may be used within any one State in any one fiscal year.

SPECIAL PROJECTS AND DEMONSTRATIONS

SEC. 305. (a) (1) For the purpose of making grants under this section for special projects and demonstrations (and research and evaluation connected therewith), there is authorized to be appropriated $22,500,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and

$75,000,000 for the fiscal year ending June 30, 1975.

(2) Of the amounts appropriated pursuant to paragraph (1) of this subsection, 10 per centum, but in no event more than $5,000,000 in the fiscal year ending June 30, 1973, and $10,000,000 in each such subsequent fiscal year shall be available only for the purpose of making grants under subsection (c) of this section, and there is authorized to be appropriated in each such fiscal year such additional amount as may be necessary to equal, when added to the amount made available for the purpose of making grants under subsection, an amount of $5,000,000 to be available for the fiscal year ending June 30, 1973, and $10,000,000 for each such subsequent fiscal year.

(b) The Commissioner, subject to the provisions of section 313, shall make grants to States and public or nonprofit agencies and organizations for paying part of the cost of special projects and demonstrations (and research and evaluation in connection therewith) (1) for establishing facilities and providing services which, in the judgment of the Commissioner, hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, especially those with the most severe handicaps, and (2) for applying new types or patterns of services or devices (including opportunities for new careers for handicapped individuals and for other individuals in programs servicing handicapped individuals).

(c) The Commissioner, subject to the provisions of section 313, is authorized to make grants to any State agency designated pursuant to a State plan approved under section 101, or to any local agency participating in the administration of such a plan, to pay up to 90 per centum of the cost of projects or demonstrations for the provision of vocational or comprehensive rehabilitation services to handicapped individuals who, as determined in accordance with rules prescribed by the Secretary of Labor, are migratory agricultural workers or seasonal farmworkers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of such individuals and members of their families where necessary to the rehabilitation of such individuals. Maintenance payments under this section shall be consistent with any maintenance payments made to other handicapped individuals in the State under this Act. Such grants shall be conditioned upon satisfactory assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public or nonprofit agencies and organizations having special skills and experience in the provision of services to migratory agricultural workers, seasonal farmworkers, or their families. This subsection shall be administered in coordination with other programs serving migrant agricultural workers and seasonal farmworkers, including programs under title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, the Migrant Health Act, and the Farm Labor Contractor Registration Act of 1963.

(d) The Commissioner is authorized to make contracts or jointly financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped individuals for gainful and suitable employment in the competitive labor market under which handicapped individuals are provided training and employment in a realistic work setting and such other services (determined in accordance with regulations prescribed by the Commissioner) as may be necessary for such individuals to continue to engage in such employment.

(e) (1) The Commissioner is authorized, directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, to provide technical assistance (A) to rehabilitation facilities, and (B) for the purpose of removal of architectural and transportation barriers, to any public or nonprofit agency, institution, organization or facility.

(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding the pro rata pay rate for a person employed as a GS–18, under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SEC. 306. (a) For the purpose of establishing and operating a National Center for Deaf-Blind Youths and Adults, there is authorized to be appropriated $5,000,000 for construction, which shall remain available until expended, and $500,000 for operations for the fiscal year ending June 30, 1973; $600,000 for operations for the fiscal year ending June 30, 1974; and $700,000 for operations for the fiscal year ending June 30, 1975.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, and ohter services, needed to rehabilitate handicapped individuals who are both deaf and blind, and (B) training the professional and allied personnel needed adequately to staff facilities specially designed to provide such services and training to such personnel who have been or will be working with deaf-blind individuals;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, deaf-blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of deaf-blind individuals;

the Commissioner, subject to the provisions of section 313, is authorized to enter into an agreement with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind, which center shall be known as the National Center for Deaf-Blind Youths and Adults.

(c) Any agency or organization desiring to enter into such agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of such Center, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of deaf-blind individuals.

REHABILITATION CENTERS FOR DEAF INDIVIDUALS

SEC. 307. (a) For the purpose of making grants and contracts for the expansion and improvement of vocational or comprehensive rehabilitation services for deaf individuals (through the establishment of centers or other means), there is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1973; $3,000,000 for the fiscal year ending June 30, 1974; and $5,000,000 for the fiscal year ending June 30, 1975. Funds appropriated pursuant to this subsection shall remain available until expended.

(b) In order to—

(1) demonstrate methods of (A) providing the specialized services needed to rehabilitate and make maximum use of the vocational potential of deaf individuals, and (B) training the specialized professional and allied personnel required adequately to staff facilities designed to provide such services and training personnel who have been or will be working with such individuals;

(2) conduct research in the nature and prevention of the problems of such deaf individuals and in the rehabilitation of these individuals; and

(3) improve the understanding of the general public, employers in particular, of both the assets and problems of such deaf individuals;

the Commissioner, subject to the provisions of section 313, is authorized to make grants to or contracts with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of one or more centers for the vocational rehabilitation of deaf individuals whose maximum vocational potential has not been achieved, which shall be known as Rehabilitation Centers for Deaf Individuals.

(c) Any agency or organization desiring to receive a grant or enter into a contract under this section shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of a Rehabilitation Center for Deaf Individuals, and (2) give promise of offering the substantial capability in providing a broad program of service and related research, training, and other activities in the field of rehabilitation of deaf individuals whose maximum vocational potential has not been achieved.

(d) For the purposes of this section, the Commissioner shall prescribe regulations to—

(1) provide a means of determining the population of deaf individuals whose maximum vocational potential has not been achieved;

(2) insure that, in carrying out the purposes of this section, provision has been made for coordination between the agency or organization receiving funds under this section on the one hand and the State and local educational agencies in the area to be served on the other; and

(3) provide that an advisory board, comprised of qualified professional and expert individuals in the fields of rehabilitation and education of deaf individuals, be appointed to assure proper functioning of a Center established under this section in accordance with its stated objectives and to provide assistance in professional, technical, and other related areas; and that at least one-third of the members of such board shall be deaf individuals.

(e) To be eligible to receive vocational or comprehensive rehabilitation services under this section, a deaf individual must be sixteen years of age or older, must have reached the age at which the compulsory school attendance laws of the State in which he resides are no longer applicable to him, and must be an individual whose maximum vocational potential (as defined in regulations which the Commissioner shall prescribe) has not been achieved.

(f) Programs carried out under this sec-

tion shall be coordinated with programs carried out by the Bureau of Education for the Handicapped within the Office of Education in order to achieve a consistent education and rehabilitation philosophy, to provide for continuity of services and program purpose, and to avoid unnecessary duplication or overlap of programs.

NATIONAL CENTERS FOR SPINAL CORD INJURIES

SEC. 308. (a) For the purpose of establishing and operating National Centers for Spinal Cord Injuries, there is authorized to be appropriated $8,500,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975. Funds appropriated under this section shall remain available until expended.

(b) In order—

(1) to help establish national centers with special competencies in providing prompt, complete vocational and comprehensive rehabilitation services and acute medical care to individuals with spinal cord injuries;

(2) to assist in meeting the costs of such services to such individuals;

(3) to encourage and assist the study and development of methods for the provision of such services and, where appropriate and desirable, to carry out necessary related research and training; and

(4) to develop new methods of achieving cooperation with and among community and other public and nonprofit organizations concerned with the problems of spinal cord injury;

the Commissioner, subject to the provisions of section 313, is authorized to enter into an agreement with any public or nonprofit agency or organization to pay all or part of the costs of the establishmet and operation, including construction and equipmet, of centers to carry out the purposes of this subsection, which centers shall be known as National Centers for Spinal Cord Injuries.

(c) Any agency or organization desiring to enter into such a agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall provide an opportunity for submission of comments by the State agency administering the State plan under section 101, and shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of National Centers for Spinal Cord Injuries, and which include provisions to—

(A) establish, on an appropriate regional basis, a multidisciplinary system of providing vocational and comprehensive rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries including, but not limited to, acute medical care and periodic inpatient or outpatient followup;

(B) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost effectiveness of, such a regional system;

(C) demonstrate and evaluate existing, new, and improved methods and equipment essential to the care, management, and rehabilitation of individuals with spinal cord injuries;

(D) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities.

and (2) give promise of offering substantial skill, experience, and capability in providing a comprehensive program of services and related activities in the field of rehabilitation of individuals with spinal cord injuries.

GRANTS FOR SERVICES FOR END-STAGE RENAL DISEASE

SEC. 309. (a) For the purpose of providing services under this section for the treatment of individuals suffering from end-stage renal disease there is authorized to be appropriated $8,500,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 3, 1975. Funds appropriated under this subsection shall remain available until expended.

(b) From sums available pursuant to subsection (a) of this section for any fiscal year, the Secretary shall make grants to States and public and nonprofit agencies and organizations and agencies for paying part of the cost of projects for providing special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of individuals suffering from end-stage renal disease.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Secretary, and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this section.

REHABILITATION SERVICES FOR OLDER BLIND INDIVIDUALS

SEC. 310 (a) For the purpose of providing rehabilitation services to older blind individuals, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973; $15,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, as well as other services, needed to rehabilitate older blind individuals, and (B) training the professional and allied personnel to provide such services;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating older blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for, and help improve public understanding of, the problems of older blind individuals,

the Commissioner, subject to the provisions of section 313, is authorized to make grants to and contracts with States and public and nonprofit agencies to pay all or part of the costs of projects and demonstrations (1) for providing vocational or comprehensive rehabilitation services to older blind individuals which in the judgment of the Commissioner, hold promise of expanding or otherwise improving such services, and (2) for applying new types of patterns of such services or devices to, or for the benefit of, older blind individuals.

(c) For the purpose of this section, the term "older blind individuals" mean individuals, age fifty-five and older, whose severe visual impairment makes gainful employment less readily attainable in the light of current employment practices.

NATIONAL ADVISORY COUNCIL ON REHABILITATION OF HANDICAPPED INDIVIDUALS

SEC. 311. (a) There is established in the Department of Health, Education, and Welfare a National Advsory Council on Rehabilitation of Handicapped Individuals (hereinafter referred to in this section as the "Council") consisting of twenty members appointed by the Commissioners without regard to civil service laws shall be from among persons who are leaders in fields concerned with rehabilitation or in public affairs, and ten of such twenty shall be selected from among leading medical, educational, or scientific authorities with outstanding qualifications in the rehabilitation of handicapped indivduals. Eight of such twenty members shall be persons who are themselves handicapped or who have received vocational rehabilitation services. Each such member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term and except that, of the members first appointed, five shall hold office for a term of two years, and five shall hold office for a term of one year, as designated by the Commissioner at the time of appointment. None of such members shall be eligible for reappointment until a year has elapsed after the end of his preceding term. The Council shall not meet not less than four times a year at the call of the Chairman, who shall be selected from among its membership by the members.

(b) The Council shall—

(1) provide policy advice and consultation to the Secretary and the Commissioner on the planning (including determinations of priorities), conduct, and review of programs (including research and training) authorized under this Act;

(2) review the administration and operation of vocational rehabilitation (including research and training) programs under this Act, including the effectiveness of such programs in meeting the purposes for which they are established and operated and the integration of research and training activities with service program goals and priorities, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this Act) to the Secretary and the Commissioner for annual transmittal to the Congress;

(3) advise the Secretary and the Commissioner with respect to the conduct of independent evaluations of programs (including research and training) carried out under this Act; and

(4) provide such other advisory services as the Secretary and the Commissioner may request.

(c) (1) Adequate technical assistance and support staff for the Council shall be provided from the Office for the Handicapped, the Rehabilitation Services Administration, or from any other Federal agency, as the Council may reasonably request.

(2) There is authorized to be appropriated for the purpose of carrying out this seciton $50,000 for the fiscal year ending June 30, 1973, $100,000 for the fiscal year ending June 30, 1974, and $150,000 for the fiscal year ending June 30, 1975.

(d) The Council shall review the possible duplication among vocational rehabilitation programs and other programs serving handicapped individuals within the same geographical areas and shall make annual reports of the extent to which unnecessary duplication or overlap exists, together with its findings and recommendations, concurrently to the Commissioner and the Congress. In making these reports, the Council shall seek the opinions of persons familiar with vocational rehabilitation and the employment of persons who have received vocational and comprehensive rehabilitation services in each State as well as persons familiar with labor, business and industry, education and training, health, and manpower programs.

(e) Members of the Council, while attending meetings or conferences thereof, or otherwise serving on business of the Council, or at the request of the Commissioner, shall be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding the daily pay rate for a person employed as a GS–18 under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for

persons in the Government service employed intermittently.

STATE ADVISORY COUNCILS

SEC. 312. (a) For the purpose of establishing State Advisory Councils, there is authority to be appropriated $150,000 for the fiscal year ending June 30, 1973, $500,000 for the fiscal year ending June 30, 1974, and $750,000 for the fiscal year ending June 30, 1975.

(b) Any State which receives assistance under this Act may establish and maintain a State Advisory Council, which shall be appointed by the Governor, or, in the case of a State in which members of the State board which governs vocational rehabilitation are elected (including election by the State legislature), by such board.

(c) (1) Such a State Advisory Council shall include as members persons who are familiar with problems of vocational rehabilitation in the State and the administration of vocational rehabilitation programs, and who are experienced in the education and training of handicapped individuals; persons who are representative of labor and management, including persons who have knowledge of the employment of persons who have received vocational rehabilitation services and of the employment of handicapped individuals; and individuals who are handicapped and who are receiving or who have received vocational rehabilitation services and who shall constitute a majority of the total membership of the State Advisory Council.

(2) Such a State Advisory Council, in accordance with regulations prescribed by the Commissioner, shall—

(A) advise the Governor and the State agency on the development of, and policy matters arising in, the administration of the State plan approved pursuant to section 101;

(B) advise with respect to long-range planning and studies to evaluate vocational rehabilitation programs, services, and activities assisted under this Act; and

(C) prepare and submit to the Governor through the State agency having authority over vocational rehabilitation programs, and to the National Advisory Council on Rehabilitation of Handicapped Individuals established pursuant to section 311, an annual report of its recommendations, accompanied by such additional comments of the State agency as that agency deems appropirate.

(d) Upon the appointment of any such Advisory Council the appointing authority under subsection (b) of this section shall inform the Commissioner of the establishment of, and membership of, its State Advisory Council. The Commissioner shall, upon receiving such information, certify that each such council is in compliance with the membership requirements set forth in subsection (b) (1) of this section.

(e) Each such State Advisory Council shall meet within thirty days after certification has been accepted by the Commissioner under subsection (d) of this section and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State Advisory Council, except that such rules must provide that each such council meet at least four times each year, including at least one public meeting at which the public is given the opportunity to express views concerning vocational rehabilitation.

(f) Each such State Advisory Council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section.

GENERAL GRANT AND CONTRACT REQUIREMENTS

SEC. 313. (a) The provisions of this section shall apply to all projects (including annual interest grants) approved and assisted under this title. The Commissioner shall insure compliance with this section prior to making any grant or entering into any contract or agreement under this title, except projects authorized under sections 302, 309, 311, and 312.

(b) To be approved, an application for assistance for a construction project under this title must—

(1) contain or be supported by reasonable assurances that (A) for a period of not less than twenty years after completion of construction of the project it will be used as a public or nonprofit facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use for its intended purpose;

(2) provide that Federal funds provided to any agency or organization under this title will be used only for the purposes for which provided and in accordance with the applicable provisions of this section and the section under which such funds are provided;

(3) provide that the agency or organization receiving Federal funds under this title will make an annual report to the Commissioner, which he shall summarize and comment upon in the annual report to the Congress submitted under section 504;

(4) be accompanied or supplemented by plans and specifications in which due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and which comply with regulations prescribed by the Commissioner related to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90-480)), and with regulations of the Secretary of Labor relating to occupational health and safety standards for rehabilitation facilities; and

(5) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5); and the Secretary of Labor shall have, with respect to the labor stadards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(c) Upon approval of any application for a grant or contract for a project under this title, the Commissioner shall reserve, from any appropriation available therefore, the amount of such grant or contract determined under this title. In case an amendment to an approval application is approved, or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the appropriation from which the original reservation was made or the appropriation for the fiscal year in which such amendment or revision is approved.

(d) If, within twenty years after completion of any construction project for which funds have been paid under this title, the facility shall cease to be a public or nonprofit facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for he district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(e) Payment of assistance or reservation of funds made pursuant to this title may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

(f) A project for construction of a rehabilitation facility which is primarily a workshop may, where approved by the Commissioner as necessary to the effective operation of the facility, incldue such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of handicapped individuals.

(g) No funds provided under this title may be used to assist in the construction of any facility which is or will be used for religious worship or any sectarian activity.

(h) When in any State, funds provided under this title will be used for providing direct services to handicapped individuals or for establishing facilities which will provide such services, such services must be carried out in a manner not inconsistent with the State plan approved pursuant to section 101.

(i) Prior to making any grant or entering into any contract under this title, the Commissioner shall afford reasonable opportunity to the appropriate State agency or agencies designated pursuant to section 101 to comment on such grant or contract.

(j) With respect to any obligation issued by or on behalf of any public agency for which the issuer has elected to receive the benefits of mortgage insurance under section 303 or annual interest grants under section 304, the interest paid on such obligations and received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

## TITLE IV—RESEARCH AND TRAINING

DECLARATION OF PURPOSE

SEC. 400. The purpose of this title is to authorize Federal assistance to State and public or nonprofit agencies and organizations to—

(a) plan and conduct research, demonstrations, and related activities in the rehabilitation of handicapped individuals, and

(b) plan and conduct courses of training and related activities designed to provide increased numbers of trained rehabilitation personnel, to increase the levels of skills of such personnel, and to develop improved methods of providing such training.

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. (a) In order to make grants and contracts to carry out the purposes of this title, there is authorized to be appropriated:

(1) For the purpose of carrying out section 402 of this title, $40,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975, of which 15 per centum in the fiscal year ending June 30, 1973, and 25 per centum in the two succeeding fiscal years shall be available for the purpose of carrying out activities under section 402(b)(2).

(2) For the purpose of carrying out section 403 of this title $32,500,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(b) Funds appropriated under this title shall remain available until expended.

RESEARCH

SEC. 402. (a) The Commissioner is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for the purpose of planning and conducting research, demonstrations, and

related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational and comprehensive rehabilitation services to handicapped individuals, especially those with the most severe handicaps, under this Act. Such projects may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques; studies and analyses of industrial, vocational, social, psychological, economic, and other factors affecting rehabilitation of handicapped individuals; special problems of homebound and institutionalized individuals; studies and analyses of architectural and engineering design adapted to meet the sepcial needs of handicapped individuals; and related activities which hold promise of increasing knowledge and improving methods in the rahibilitation of handicapped individuals and individuals with the most severe handicaps.

(b) In addition to carrying out projects under subsection (a) of this section, the Commissioner is authorized to make grants to pay part or all of the cost of the following specialized research activities:

(1) Establishment and support of Rehabilitation Research and Training Centers to be operated in collaboration with institutions of higher education for the purpose of providing coordinated and advanced programs of research in rehabilitation and training of rehabilitation research personnel, including, but not limited to, graduate training. Grants may include funds for services rendered by such a center to handicapped individuals in connection with such research and training activities.

(2) Establishment and support of Rehabilitation Engineering Research Centers to (A) develop innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems through planning and conducting research, including coopeartive research with public or private agencies and organizations, designed to produce new scientific knowledge, equipment, and devices suitable for solving problems in the rehabilitation of handicapped individuals and for reducing environmental barriers, and to (B) cooperate with the Office for the Handicapped and State agencies designated pursuant to section 101 in developing systems of information exchange and coordination to promote the prompt utilization of engineering and other scientific research to assist in solving problems in the rehabilitation of handicapped individuals.

(3) Conduct of a program for spinal cord injury research in support of the National Centers for Spinal Cord injuries established pursuant to section 308 which will (A) insure dissemination of research findings among all such centers, (B) provide encouragement and support for initiatives and new approaches by individual and institutional investigators, and (C) establish and maintain close working relationships with other govermental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigators.

(4) Conduct of a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of handicapped individuals in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of handicapped individuals, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of handicapped individuals with other nations as a means of increasing the levels of skill of rehabilitation personnel.

(c) The provisions of section 313 shall apply to assistance provided under this section, unless the context indicates to the contrary.

TRAINING

SEC. 403. (a) The Commissioner is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for training, traineeships, and related activities designed to assist in increasing the numbers of personnel trained in providing vocational and comprehensive rehabilitation services to handicapped individuals and in performing other functions necessary to the development of such services.

(b) In making such grants or contracts, funds made available for any year will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to include projects in rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, workshop and facility administration, prosthetics and orthotics, specialized personnel in services to the blind and the deaf, recreation for ill and handicapped individuals, and other fields contributing to the rehabilitation of handicapped individuals, including homebound and institutionalized individuals and handicapped individuals with limited English-speaking ability. No grant shall be made under this section for furnishing to an individual any one course of study extending for a period in excess of four years.

REPORTS

SEC. 404. There shall be included in the annual report to the Congress required by section 504 a full report on the research and training activities carried out under this title and the extent to which such research and training has contributed directly to the development of methods, procedures, devices, and trained personnel to assist in the provision of vocational or comprehensive rehabilitation services to handicapped individuals and those with the most severe handicaps under this Act.

## TITLE V—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

ADMINISTRATION

SEC. 500. (a) In carrying out his duties under this Act, the Commissioner shall—

(1) cooperate with, and render technical assistance (directly or by grant or contract) to States in matters relating to the rehabilitation of handicapped individuals;

(2) provide short-term training and instruction in technical matters relating to vocational and comprehensive rehabilitation services, including the establishment and maintenance of such research fellowships and traineeships, with such stipends and allowances (including travel and subsistence expenses), as he may deem necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided any individual for any one course of study for a period in excess of four years, and such training, instruction, fellowships, and traineeships may be in the fields of rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, prosthetics and orthotics, recreation for ill and handicapped individuals, and other specialized fields, contributing to the rehabilitation of handicapped individuals; and

(3) disseminate information relating to vocational and comprehensive rehabilitation services, and otherwise promote the cause of the rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment.

(b) The Secretary is authorized to make rules and regulations governing the administration of this title and titles VI and VII of this Act, and to delegate to any officer or employee of the United States such of his powers and duties under such titles, except the making of rules and regulations, as he finds necessary to carry out the provisions of such titles. Such rules and regulations, as well as those prescribed by the Commissioner of the Rehabilitation Services Administration under titles I, II, III, and IV of this Act shall be published in the Federal Register, on at least an interim basis, no later than ninety days after the date of enactment of this Act.

(c) The Secretary is authorized (directly or by grants or contracts) to conduct studies, investigations, and evaluation of the programs authorized by this Act, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, their utilization in gainful and suitable employment, and with respect to architectural, transportation, and other environmental and attitudinal barriers to their rehabilitation, including the problems of homebound, institutionalized, and older blind individuals.

(d) There is authorized to be included for each fiscal year in the appropriation for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this Act.

(e) In carrying out their duties under this Act, the Secretary and the Commissioner, respectively, shall insure the maximum coordination and consultation, at both national and local levels, with the Administrator of Veterans' Affairs and his designees with respect to programs for and relating to the rehabilitation of disabled veterans carried out under title 38, United States Code.

(f) With respect to the administration of the program authorized by section 309, the Secretary shall insure that the provision of services under such section is coordinated with similar services provided or paid for under health programs pursuant to other Federal laws.

PROGRAM AND PROJECT EVALUATION

SEC. 501. (a) (1) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, in order to determine their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(2) In carrying out his responsibilities under this subsection, the Secretary, in the case of research, demonstrations, and related activities carried out under section 402, shall, after taking into consideration the views of State agencies designated pursuant to section 101, on an annual basis—

(A) reassess priorities to which such activities should be directed; and

(B) review present research, demonstration, and related activities to determine, in terms of the purpose specified for such activities by subsection (a) of such section 402, whether and on what basis such activities should be continued, revised or terminated.

(3) The Secretary shall, within 12 months after the date of enactment of this Act, and on each April 1 thereafter, prepare and furnish to the appropriate committees of the Congress a complete report on the deter-

mination and review carried out under paragraph (2) of this subsection, together with such recommendations, including any recommendations for additional legislation, as he deems appropriate.

(b) Effective after June 30, 1973, before funds for the programs and projects covered by this Act are released, the Secretary shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding, in accordance with procedures set forth in subsections (b), (c), and (d) of section 101, whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 504 shall describe the actions taken as a result of these evaluations.

(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this Act about such programs and projects.

(d) The Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness no later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this Act shall become the property of the United States.

OBTAINING INFORMATION FROM FEDERAL AGENCIES

SEC. 502. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch of the Government.

AUTHORIZATION OF APPROPRIATIONS

SEC. 503. There is authorized to be appropriated such sums as the Secretary may require, but not to exceed an amount equal to one-half of 1 per centum of the funds appropriated under titles I, II, III, and IV of this Act or $1,000,000 for the fiscal year ending June 30, 1973, $1,000,000 for the fiscal year ending June 30, 1974, and $1,500,000 for the fiscal year ending June 30, 1975, whichever is greater, to be available to conduct program and project evaluations as required by this title.

REPORTS

SEC. 504. Not later than one hundred and twenty days after the close of eath fiscal year, the Secretary shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include (1) statistical data reflecting, with the maximum feasible detail, vocational and comprehensive rehabilitation services provided handicapped individuals during the preceding fiscal year, (2) specifically distinguish among rehabilitation closures attributable to physical restoration, placement in competitive employment, extended or terminal employment in a sheltered workshop or rehabilitation facility, employment as a homemaker or unpaid family worker, and provision of comprehensive rehabilitation services, and (3) include a detailed evaluation of services provided with assistance under title I of this Act to those with the most severe handicaps and of comprehensive rehabilitation services provided pursuant to title II of this Act.

SHELTERED WORKSHOP STUDY

SEC. 505. (a) The Secretary shall conduct an original study of the role of sheltered workshops in the rehabilitation and employment of handicapped individuals, including a study of wage payments in sheltered workshops. The study shall incorporate guidelines which are consistent with criteria provided in resolutions adopted by the Committee on Labor and Public Welfare of the United States Senate or the Committee on Education and Labor of the United States House of Representatives, or both.

(b) The study shall include site visits to sheltered workshops, interviews with handicapped trainees or clients, and consultations with interested individuals and groups and State agencies designated pursuant to section 101.

(c) Any contracts awarded for the purpose of carrying out all or part of this body shall not be made with individuals or groups with a financial or other direct interest in sheltered workshops.

(d) The Secretary shall report to the Congress his findings and recommendations with respect to such study within twenty-four months after the date of enactment of this Act.

## TITLE VI—OFFICE FOR THE HANDICAPPED

ESTABLISHMENT OF OFFICE

SEC. 600. There is established within the Office of the Secretary in the Department of Health, Education, and Welfare an Office for the Handicapped (hereinafter in this title referred to as the "Office"). The Office shall be headed by a Director, who shall serve as a Special Assistant to the Secretary and shall report directly to him, and shall be provided such personnel as are necessary to carry out the functions set forth in section 601. In selecting personnel to fill all positions in the Office, the Secretary shall give special emphasis to qualified handicapped individuals.

FUNCTION OF OFFICE

SEC. 601. It shall be the function of the Office, with the assistance of agencies within the Department, other departments and agencies within the Federal Government, handicapped individuals, and public and private agencies and organizations, to—

(1) prepare and submit to the Secretary, for submission to the Congress within 18 months after the date of enactment of this Act, a long-range projection for the provision of comprehensive services to handicapped individuals and for programs of research, evaluation, and training related to such services and individuals;

(2) analyze on a continuing basis and submit to the Secretary, for inclusion in his report submitted under section 504, a report on the results of such analysis, program operation to determine consistency with applicable provisions of law, progress toward meeting the goals and priorities set forth in the projection required under clause (1), the effectiveness of all programs providing services to handicapped individuals, and the elimination of unnecessary duplication and overlap in such programs under the jurisdiction of the Secretary;

(3) encourage coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity, and continuity in the provision of services for handicapped individuals by all programs under the jurisdiction of the Secretary;

(4) provide assistance (including staff assistance) to the National Advisory Council on Rehabilitation of the Handicapped established by section 311 of this Act, the National Advisory Council on the Education of the Handicapped established by section 604 of the Education of the Handicapped Act (title VI, Public Law 91-230), and other committees advising the Secretary on programs for handicapped individuals;

(5) develop means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in education (including promotion of the development of curriculums stressing barrier free design and the adoption of such curriculums by schools of architecture, design, and engineering), health, employment, rehabilitation, architectural and transportation barriers, and other areas so as to bring about the full integration of handicapped individuals into all aspects of society;

(6) provide a central clearinghouse for information and resource availability for handicapped individuals through (A) the evaluation of systems within the Department of Health, Education, and Welfare, other departments and agencies of the Federal Government, public and private agencies and organizations, and other sources, which provide (i) information and data regarding the location, provision, and availability of services and programs for handicapped individuals, regarding research and recent medical and scientific developments bearing on handicapping conditions (and their prevention, amelioration, causes, and cures), and regarding the current numbers of handicapped individuals and their needs, and (ii) any other such relevant information and data which the Office deems necessary; and (B) utilizing the results of such evaluation and existing information systems, the development within such Department of a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide general and specific information regarding the information and data referred to in subclause (A) of this clause to the Congress, public and private agencies and organizations, handicapped individuals and their families, professionals in fields serving such individuals, and the general public; and

(7) carry out such additional advisory functions and responsibilities, consistent with the provisions of this title, as may be assigned to it by the Secretary or the President, except that such function or any other function carried out under clauses (1) through (5) of this section shall not include budgetary, policy, or program control by the Office over any program.

AUTHORIZATION OF APPROPRIATIONS

SEC. 602. There is authorized to be appropriated for the carrying out the purposes of this title, $1,000,000 for the fiscal year ending June 30, 1973, $1,500,000 for the fiscal year ending June 30, 1974, and $2,000,000 for the fiscal year ending June 30, 1975.

## TITLE VII MISCELLANEOUS

EFFECT ON EXISTING LAWS

SEC. 700. The Vocational Rehabilitation Act (29 U.S.C. 31 et seq.) is repealed ninety days after the date of enactment of this Act and references to such Vocational Rehabilitation Act in any other provision of law shall, ninety days after such date, be deemed to be references to the Rehabilitation Act of 1972. Unexpended appropriations for carrying out the Vocational Rehabilitation Act may be made available to carry out this Act, as directed by the President. Approved State plans for vocational rehabilitation, approved projects, and contractual arrangements authorized under the Vocational Rehabilitation Act will be recognized under comparable provisions of this Act so that there is no disruption of ongoing activities for which there is continuing authority.

FEDERAL INTERAGENCY COMMITTEE ON HANDICAPPED EMPLOYEES

SEC. 701. (a) There is established within the Federal Government an Interagency Committee on Handicapped Employees (hereinafter in this section referred to as the "Committee"), comprised of the following (or their designees whose positions are Executive Level IV or higher): the Chairman of the Civil Service Commission, the Administrator of Veterans' Affairs, the Secretaries of Labor and Health, Education, and Welfare, and the heads of such other Federal departments and agencies as the President may designate.

The Chairman of the President's Committee on Employment of the Handicapped and the Chairman of the President's Committee on Mental Retardation shall serve as ex officio members of the Interagency Committee, and the Secretary of Health, Education, and Welfare shall serve as Chairman, and the Chairman of the Civil Service Commission shall serve as Vice-Chairman, of the Committee. The resources of such President's Committees shall be made fully available to the Committee established pursuant to this section. The Commissioner shall serve as Executive Director of the Committee. It shall be the purpose and function of the Committee to insure, through the establishment of affirmative action programs, the adequacy of hiring, placement, and advancement practices with respect to handicapped individuals, by each department, agency, and instrumentality in the executive branch of Government, and that the special needs of such individuals are being met.

(b) Each department, agency, and instrumentality in the executive branch shall, within one hundred and eighty days after the date of enactment of this Act, submit to the Committee an affirmative action program plan for the hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality. Such plan shall include a description of the extent to which and methods whereby the special needs of handicapped employees are being met.

(c) The Committee shall develop and recommend to the Secretary for referral to the appropriate State agencies, policies and procedures which will facilitate the hiring, placement, and advancement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, veterans' programs, or any other program for handicapped individuals, including the promotion of job opportunities for such individuals. The Secretary shall encourage such State agencies to adopt and implement such policies and procedures.

(d) The Committee shall, on June 30, 1974, and at the end of each subsequent fiscal year, make a complete report to the appropriate committees of the Congress with respect to the practices of hiring, placement, and advancement of handicapped individuals by each department, agency, and instrumentality and the effectiveness of the affirmative action programs required by subsection (b) of this section, together with recommendations as to legislation or other appropriate action to insure the adequacy of such practices. Such report shall also include a description of the effectiveness of the Committee's activities under subsection (c) of this section.

(e) An individual who, as a part of his individualized written rehabilitation program under a State plan approved under this Act, participates in a program of unpaid work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(f)(1) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized and directed to cooperate with the President's Committee on Employment of the Handicapped in carrying out its functions.

(2) There are authorized to be appropriated for salaries anhd expenses of the President's Committee on Employment of the Handicapped $1,250,000 for the fiscal year ending June 30, 1974. In selecting personnel to fill all positions on the President's Committee on Employment of the Handicapped, special consideration shall be given to qualified handicapped individuals.

NATIONAL COMMISSION ON TRANSPORTATION AND HOUSING FOR HANDICAPPED INDIVIDUALS

SEC. 702. (a) There is established in the Department of Health, Education, and Welfare a National Commission on Transportation and Housing for Handicapped Individuals, consisting of the Secretary of Health, Education, and Welfare (or his designee), who shall be Chairman, the Secretary of Housing and Urban Development, the Secretary of Transportation and the Secretary of the Treasury (or their respective designees), and not more than fifteen members appointed by the Secretary of Health, Education, and Welfare without regard to the civil service laws. The fifteen appointed members shall be representative of the general public, of handicapped individuals, and of private and professional groups having an interest in, and able to contribute to the solution of, the transportation and housing problems which impede the rehabilitation of handicapped individuals.

(b) The Commission, in consultation with the Architectural and Transportation Barriers Compliance Board established pursuant to section 703, shall (1)(A) determine how and to what extent transportation barriers impede the mobility of handicapped individuals and aged handicapped individuals and consider ways in which travel expenses in connection with transportation to an from work for handicapped individuals can be met or subsidized when such individuals are unable to use mass transit systems or need special equipment in private transportation, and (B) consider the housing needs of handicapped individuals; (2) determine what measures are being taken, especially by public and other nonprofit agencies and groups having an interest in and a capacity to deal with such problems, (A) to eliminate barriers from public transportation systems (including vehicles used in such systems), and to prevent their incorporation in new or expanded transportation systems and (B) to make housing available and accessible to handicapped individuals or to meet sheltered housing needs; and (3) prepare plans and proposals for such further action as may be necessary to the goals of adequate transportation and housing for handicapped individuals, including proposals for bringing together in a cooperative effort, agencies, organizations, and groups already working toward such goals or whose cooperation is essential to effective and comprehensive action.

(c) The Commission is authorized to appoint such special advisory and technical experts and consultants, and to establish such committees, as may be useful in carrying out its functions, to make studies, and to contract for studies or demonstrations to assist it in performing its functions. The Secretary shall make available to the Commission such technical, administrative, and other assistance as it may require to carry out its functions.

(d) Appointed members of the Commission and special advisory and technical experts and consultants appointed pursuant to subsection (c) shall, while attending meetings or conferences thereof or otherwise serving on business of the Commission, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the daily pay rate, for a person employed as a GS–18 under section 5332 of title 5, United States Code, including traveltime and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(e) The Commission shall prepare two final reports of its activities. One such report shall be on its activities in the field of transportation carriers of handicapped individuals, and the other such report shall be on its activities in the field of the housing needs of handicapped individuals. The Commission shall, prior to January 1, 1975, submit each such report, together with its recommendations for further carrying out the purposes of this section, to the Secretary for transmittal by him, together with his recommendations, to the President and the Congress. The Commission shall also prepare for such submission an interim report of its activities in each such field within eighteen months after the date of enactment of this Act and such additional interim reports as the Secretary may request.

(f) The Commission shall on a frequent and continuing basis, provide to the Architectural and Transportation Barriers Compliance Board established pursuant to section 703, such data and information as it has acquired or developed during the course of its investigations and studies and such reports as it has submitted under subsection (e) of this section. Such Board shall also provide to the Commission such data and information acquired by it as the Commission may reasonably request.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SEC. 703. (a) There is established within the Federal Government the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the "Board") which shall be composed of the heads of each of the following departments or agencies (or their designees whose positions are Executive Level IV or higher):

(1) Department of Health, Education, and Welfare;

(2) Department of Transportation;

(3) Department of Housing and Urban Development;

(4) Department of Labor;

(5) Department of the Interior;

(6) General Services Administration;

(7) United States Postal Services; and

(8) Veterans' Administration.

(b) It shall be the function of the Board to: (1) insure compliance with the standards prescribed by the General Services Administration, the Department of Defense, and the Department of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968 (Public Law 90–480), as amended by the Act of March 5, 1970 (Public Law 91–205); (2) investigate and examine alternative approaches to the architectural, transportation, and attitudinal barriers confronting handicapped individuals, particularly with respect to public buildings and monuments, parks and parklands, public transportation (including air, water, and surface transportation whether interstate, foreign, intrastate, or local), and residential and institutional housing; (3) determine what measures are being taken by Federal, State, and local governments and by other public or nonproiit agencies to eliminate the barriers described in clause (2) of this subsection; (4) promote the use of the International Accessibility Symbol in all public facilities that are in compliance with the standards prescribed by the Administrator of the General Services Administration, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968; (5) make reports to the President and to Congress, which shall describe in detail the results of its investigations under clauses (2) and (3) of this subsection; and (6) make to the President and to the Congress such recommendations for legislation and administration as it deems necessary or desirable to eliminate the barriers described in clause (2) of this subsection.

(c) In carrying out its functions under this section, the Board shall conduct investigations, hold public hearings, and issue such orders as it deems necessary to insure compliance with the provisions of the Acts

cited in subsection (b). The provisions of subchapter II of chapter 5, and chapter 7 of title 5, United States Code, shall apply to procedures under this section, and an order of compliance issued by the Board shall be a final order for purposes of judicial review.

(d) The Board is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted under this section. The provisions applicable to hearing examiners appointed under section 3105 of title 5, United States Code, shall apply to hearing examiners appointed under this subsection.

(e) The departments or agencies specified in subsection (a) of this section shall make available to the Board such technical, administrative, or other assistance as it may require to carry out its functions under this section, and the Board may appoint, under the terms and conditions specified in subsection (d) of section 702, such other advisers, technical experts, and consultants as it deems necessary to assist it in carrying out its functions under this section.

(f) The Board shall, at the end of each fiscal year, report its activities during the preceding year to the Congress. Such report shall include an assessment of the extent of compliance with the Acts cited in subsection (b) of this section, along with a description and analysis of investigations made and actions taken by the Board, and the reports and recommendations described in clauses (4) and (5) of subsection (b) of this section.

(g) There is authorized to be appropriated for the purpose of carrying out the duties and functions of the Board under this section $500,000 for the fiscal year ending June 30, 1973; $1,500,000 for the fiscal year ending June 30, 1974; and $1,500,000 for the fiscal year ending June 30, 1975.

EMPLOYMENT UNDER FEDERAL CONTRACTS

SEC. 704. (a) Any contract in excess of $2,500 entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that, in employing persons to carry out such contract the party contracting with the United States shall take affirmative action to employ and advance in employment qualified handicapped individuals as defined in section 7(7). The provisions of this section shall apply to any subcontract in excess of $2,500 entered into by a prime contractor in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within ninety days after the date of enactment of this section.

(b) If any handicapped individual believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to employment of handicapped individuals, such individual may file a complaint with the Department of Labor. The Department shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

(c) The requirements of this section may be waived, in whole or in part, by the President with respect to a particular contract or subcontract, in accordance with guidelines set forth in regulations which he shall prescribe, when he determines that special circumstances in the national interest so require and states in writing his reasons for such determination.

NONDISCRIMINATION UNDER FEDERAL GRANTS

SEC. 705. No otherwise qualified handicapped individual in the United States, as defined in section 7(7), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

APPROPRIATIONS FOR FISCAL YEAR 1973

SEC. 706. The paragraph entitled "Social and Rehabilitation Services" of chapter IV of the Supplemental Appropriations Act, 1973 (Public Law 92-607) is amended by striking out "section 103" and inserting in lieu thereof "section 110" each place it appears and striking out "section 104" and inserting in lieu thereof "section 120".

The PRESIDING OFFICER. The question is on concurring in the House amendment with an amendment in the nature of a substitute.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I yield 2 minutes of my time to the distinguished Senator from Vermont.

Mr. STAFFORD. I appreciate the assistant majority leader yielding to me.

Mr. President, the amendments which we are offering to the House-passed version of S. 7 seek to reduce the dollar amounts and other technical changes that we felt were necessary to make S. 7 acceptable.

The Senate has come a long way to meet the objections of the President by cutting some $2.2 billion off the Senate-passed version of S. 7 and approximately $22 million off the House-passed Vocational Rehabilitation program. That is to say, we now have a bill which more closely approximates the money amounts requested by the administration.

In making the compromise in the money, the committee was painfully aware that while this money can be used effectively, the changes that we have made in the basic program desperately need to be enacted. It is my hope that the President will be able to accept our accommodation and will sign this bill into law immediately.

Mr. President, I would like to address myself to one matter, specifically an amendment offered to the House floor which would allow the heads of agencies or their delegates to waive requirements of section 704 of the Senate bill.

This amendment, if left unchanged, would adversely effect the intent of Congress which is so basic to this legislation; that is, given the necessary training, a handicapped individual can participate in our society to his fullest extent. The hearings last year left a distinct impression on all members of the committee that even with the training this bill provides, a more affirmative approach was needed to assist the handicapped individual.

I amended the Senate bill of last year to give special emphasis to the employment of handicapped individuals within the programs of the Federal Government. We also established an Interagency Committee on Employment of the Handicapped to help him better gain entry to the federal system. The natural extension of all this was section 704 to provide for affirmative action on the part of those contractors receiving Federal dollars to employ or promote the handicapped.

I was disappointed to learn of the action taken by the House. While I can see the necessity in a very limited sense for such a waiver, the broad language of the House went too far. Therefore, in the amendments today, there is contained a revision of the House amendment to section 704 which gives the power of waiver to the President personally under such regulations which he may deem appropriate to grant a waiver on a contract either in whole or in part when such a waiver is in the national interest.

Quite frankly, if we in Congress are going to pass laws to help the handicapped participate in society and believe that they can with the training that we will provide, then we do have the obligation to make sure that there is adequate and equal opportunity for them to participate.

Mr. ROBERT C. BYRD. Mr. President, we are proceeding now at the sufferance and courtesy of the distinguished Senator from Washington (Mr. JACKSON), who had an order preceding my own. If he will permit me to yield 2 more minutes to my colleague from West Virginia (Mr. RANDOLPH), I promise him that I will not yield further to any other Senators.

Mr. RANDOLPH. Mr. President, I commend Senator CRANSTON, Senator STAFFORD, Senator WILLIAMS, and Senator JAVITS. These gentlemen have given us excellent leadership in attempting, with the House, to work out provisions of this legislation, which has been so urgently needed. I hope the President will sign the bill which will come to his desk. This is legislation which, though the amounts of authorization have been reduced, retains, we believe, the substance of the programs reflecting the sentiments and desires and determination to aid the handicapped citizens of the country.

Mr. President, on February 28, the Senate adopted S. 7, the Rehabilitation Act of 1972. The House of Representatives passed its version of the bill on March 8. The House measure was adopted in the form of an amendment to S. 7. The measure pending before the Senate is in the nature of an amendment to the House amendment.

The Senate proposal is very similar to the House amendment. We have tried to be responsible and seek to reduce the authorizations contained in the bill to an acceptable level which can become law. We have eliminated authorizations for fiscal year 1976, and have reduced the basic program from $800 million for 1973 to $700 million, and from $975 million for 1974 to $800 million. To give my colleagues an idea of the magnitude of the cuts in the Rehabilitation Act in comparison with S. 7 as reported, the amendment we propose authorizes a total of $2,600.25 million for fiscal years 1973, 1974, and 1975, as compared with the total of $4,854.25 million in the Senate-passed bill for fiscal years 1973, 1974, 1975, and 1976. As it turns out, the Senate amendment authorizes even fewer dollars—$25 million fewer—than the House amendment to S. 7. The authorization for fiscal year 1973 is actually lower by nearly $100 million than the fiscal 1972 authorization under the existing Vocational Rehabilitation Act.

Although I genuinely regret the extent

of the cuts that have been made, such cuts were necessary to maintain the support of the House of Representatives. It is also my sincere and earnest hope that the President will sign this eminently worthwhile measure.

To the handicapped citizens of America I express my thanks for their support of S. 7, and convey to them my belief that the Rehabilitation Act of 1972 is a fine, new beginning in spite of the reductions that have been made. The programs set forth in this measure will redound to the benefit of all handicapped individuals. It is the hope of those of us on the Subcommittee on the Handicapped and Committee on Labor and Public Welfare who have worked diligently to bring about the needed programs and changes in S. 7—particularly the able manager of this legislation, Senator CRANSTON; the ranking minority member of the subcommittee, Senator STAFFORD; Senator WILLIAMS, and Senator JAVITS—that those who have opposed this legislation on the grounds that it costs too much will come to see that the rehabilitation dollar is perhaps the best value in the Federal Government today.

Mr. President, I urge Senators to give their full support to the pending measure.

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## AMENDMENT ON EAST-WEST TRADE AND FREEDOM OF EMIGRATION

Mr. JACKSON. Mr. President, I am pleased to announce that I am today joined by more than 70 of my colleagues in sponsoring legislation which will help secure a basic human right for thousands of human beings behind the Iron Curtain. We propose to deny the benefits of our abundant economy—most favored access to our market, credits, credit guarantees, and investment guarantees—to any nonmarket economy country that denies its citizens the right or opportunity to emigrate or imposes more than nominal taxes on emigration. In so moving we are upholding our traditional commitment to individual liberty—a commitment that was enshrined in the Universal Declaration of Human Rights unanimously adopted by the United Nations more than 25 years ago. That declaration, in article 13, affirms the deep conviction of the American people that "Everyone has the right to leave any country, including his own, and to return to his country."

At this hour, when thousands of persons in the Soviet Union, Jew and gentile, young and old, scientists and workers, engineers and artists, farmers and laborers, have dared to demand this fundamental freedom, I am proud that they have turned to America and I am prouder still that America has taken up their cause.

The amendment we are sponsoring is a simple one. Under its provisions, the granting of most-favored-nation treatment and the extension of credits or credit guarantees or investment guarantees are contingent on a report from the President to the Congress that the country in question does not deny its citizens the right or opportunity to emigrate, and does not inhibit free emigration by imposing the payment of more than nominal taxes, fees, fines, or other charges. This report, which lies at the heart of our amendment, would be required at semiannual intervals for so long as the trade benefits in question were made available. It is this provision that would give the Congress the essential assurance of continuing compliance with the free emigration requirement. It is our fervent hope that by the time our amendment is enacted into law the practice in the Soviet Union will be such as to permit the President without hesitation to make the report of compliance.

It is important that one point be clearly understood: the Soviet Union can comply with the free emigration provision without altering its laws or statutes. There have been repeated Soviet statements to the effect that free emigration from the Soviet Union is not contrary to Soviet law. Unhappily, what is permitted by law has not been allowed in practice; and despite a Soviet propaganda campaign to the contrary, there is not now anything approaching the right of free emigration from the Soviet Union or the Communist bloc states under Soviet control. Indeed, current Soviet practice has involved the most extreme harassment of persons applying to emigrate—dismissal from their jobs, withdrawal of pensions, interviews with the KGB, arrests and imprisonment. Even the education ransom, so reminiscent of the infamous Nazi effort to trade lives for trucks during World War II, can be waived, according to the Soviets' own policy declarations, when the Soviet authorities choose to do so. It can be waived, for example, in cases where the applicant cannot afford to pay the tax—and what Soviet citizen with an income of 150 or 200 rubles a month can be expected to pay 15,000 or 20,000 rubles to obtain an exit visa?

Mr. President, this is not the place to discuss at length what has been going on inside the Soviet Union—the massive effort to intimidate brave Russian citizens—Jew and Gentile alike—from applying for exit visas, or the devices, delays, denials, and wholly unmanageable taxes designed to prevent those who do apply from getting out. The reports are too many to deny, the accounts too widespread to dismiss. No one who lived through the 1930's and 1940's could stand by today, or plead ignorance, or accept Soviet dissembling in the face of what we know is going on.

The Soviets have gone to some length to convey the impression that the question of free emigration is simply a Jewish issue. Their representatives, even as guests in this country, have resorted to the cruel incitement of anti-Semitic sentiments in an effort to scare off support for our amendment. Their broadcasts out of Moscow, their English-language publications intended for consumption here and their diplomatic representations have been pressed into service for this most odious purpose.

But the American people, Mr. President, will not be intimidated or deterred from our attachment to individual liberty. Freedom of emigration, in this, a nation of immigrants, is an American issue. I would not be in this Chamber today if Norway, the country of my parents' birth, had practiced the sort of emigration policy that the Soviet Union has today.

Nothing in the present amendment would prohibit any American businessman or any agency of the U.S. Government from buying from or selling to the Soviet Union. All that is at issue is whether we are to extend trade concessions to the Soviets, whether we are to allow them most favored entry to our markets, whether we are to finance their economic development, guarantee investments in their economy, subsidize their interest rates. And on this issue the sentiment of the Congress is clear: Nearly three-fourths of the Senate and an overwhelming majority of the House are saying: "No! Not so long as you defy the Universal Declaration of Human Rights by denying your citizens the opportunity to emigrate."

Mr. President, one might well ask why we are moving to secure the right to free emigration when there are so many other fundamental liberties that continue to be denied behind the Iron Curtain. We believe that there is a unique international quality about the right of free emigration—for the individuals involved may be Soviet citizens today, but they wish to become citizens of other nations tomorrow—citizens free to live their lives according to the values and laws of those nations. Moreover, the right and opportunity to emigrate, unlike the other freedoms we take for granted in the West, offers a kind of ultimate relief. No matter what the cause of his desire to emigrate—whether it be for the right to worship or to dissent, to publish or speak, to read or write or listen to what they please, all of these and any of them can be realized by emigrating. Of freedoms, the right to emigrate is first among equals.

Mr. President, it is a fact of history that, in their despair, thousands of people who wish only to emigrate have appealed to us for help. Those who have made their appeals public have often incurred great risk in doing so, and all have placed their hope and their trust in our response. We Americans, immigrants ourselves, have stood before the world as the symbol of free men. Our own tradition and the course of history have placed upon us a most awesome responsibility, and our own economic and technological advantages have now given us a unique opportunity to help secure a basic human right for those who are already risking everything in its pursuit. Our action today insures that the Senate will rise to that opportunity.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the amendment with the names of the Senators who have joined as cosponsors and the text of a letter dated February 21, 1973, to Members of the Senate.

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

AMENDMENT ON EAST-WEST TRADE AND FREEDOM OF EMIGRATION

(a) To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of this Act or any other law, after

October 15, 1972, no nonmarket economy country shall be eligible to receive most-favored-nation treatment or to participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, during the period beginning with the date on which the President of the United States determines that such country—

(1) denies its citizens the right or opportunity to emigrate; or

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice, and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2) or (3).

(b) After October 15, 1972, a nonmarket economy country may participate in a program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and shall be eligible to receive most-favored-nation treatment, only after the President of the United States has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a). Such report with respect to such country, shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and semi-annually thereafter so long as any agreement entered into pursuant to the exercise of such authority is in effect.

COSPONSORS OF THE JACKSON AMENDMENT

Senator Henry M. Jackson (Wash.)
Senator Abe Ribicoff (Conn.)
Senator Warren G. Magnuson (Wash.)
Senator Jacob K. Javits (N.Y.)
Senator James L. Buckley (N.Y.)
Senator Edward J. Gurney (Fla.)
Senator Birch Bayh (Ind.)
Senator Ernest F. Hollings (S.C.)
Senator Hubert H. Humphrey (Minn.)
Senator Robert Dole (Kans.)
Senator Bob Packwood (Ore.)
Senator Charles H. Percy (Ill.)
Senator Edward M. Kennedy (Mass.)
Senator John V. Tunney (Cal.)
Senator Harrison A. Williams, Jr. (N.J.)
Senator William V. Roth, Jr. (Del.)
Senator Hugh Scott, (Pa.)
Senator Robert Taft, Jr. (Ohio)
Senator James B. Allen (Ala.)
Senator Howard H. Baker, Jr. (Tenn.)
Senator J. Glenn Beall, Jr. (Md.)
Senator Lloyd Bentsen (Texas)
Senator Alan Bible (Nev.)
Senator Joseph R. Biden, Jr. (Del.)
Senator Bill Brock (Tenn.)
Senator Edward W. Brooke (Mass.)
Senator Harry F. Byrd, Jr. (Va.)
Senator Robert C. Byrd (W. Va.)
Senator Howard W. Cannon (Nev.)
Senator Clifford P. Case (N.J.)
Senator Lawton Chiles (Fla.)
Senator Frank Church (Idaho)
Senator Dick Clark (Iowa)
Senator Marlow W. Cook (Ky.)
Senator Norris Cotton (N.H.)
Senator Alan Cranston (Cal.)
Senator Peter H. Dominick (Colo.)
Senator Thomas F. Eagleton (Mo.)
Senator Paul J. Fannin (Ariz.)
Senator Barry Goldwater (Ariz.)
Senator Mike Gravel (Alaska)
Senator Clifford P. Hansen (Wyo.)
Senator Philip A. Hart (Mich.)
Senator Vance Hartke (Ind.)
Senator Floyd K. Haskell (Colo.)
Senator Jesse Helms (N.C.)
Senator Walter D. Huddleston (Ky.)
Senator Harold E. Hughes (Iowa)
Senator Daniel K. Inouye (Hawaii)
Senator J. Bennett Johnston, Jr. (La.)
Senator John L. McClellan (Ark.)
Senator Gale W. McGee (Wyo.)
Senator George McGovern (S.D.)
Senator Thomas J. McIntyre (N.H.)
Senator Charles McC. Mathias, Jr. (Md.)
Senator Walter F. Mondale (Minn.)
Senator Joseph M. Montoya (N. Mex.)
Senator Edmund S. Muskie (Me.)
Senator Sam Nunn (Ga.)
Senator John O. Pastore (R.I.)
Senator Claiborne Pell (R.I.)
Senator William Proxmire (Wis.)
Senator Jennings Randolph (W. Va.)
Senator Richard S. Schweiker (Pa.)
Senator John Sparkman (Ala.)
Senator John Stennis (Miss.)
Senator Ted Stevens (Alaska)
Senator Adlai E. Stevenson III (Ill.)
Senator Stuart Symington (Mo.)
Senator Herman E. Talmadge (Ga.)
Senator Strom Thurmond (S.C.)
Senator John Tower (Texas)
Senator Lowell P. Weicker, Jr. (Conn.)
Senator Milton R. Young (N. Dak.)

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U.S. SENATE,
*Washington, D.C., February 21, 1973.*

DEAR COLLEAGUE: We invite you to join with us in cosponsoring an amendment to deny most-favored-nation treatment and other trade concessions to nonmarket economy countries which deny their citizens the right to emigrate or impose prohibitive charges on emigration. This measure was introduced in the last session with the cosponsorship of more than three-fourths of the Senate; the text of the amendment, the names of the cosponsors, and background information are included in the enclosed reprint from the *Congressional Record* of October 4.

The principal and immediate cause of our concern is the imposition by the Soviet Union of a head tax ranging from $5,000 to $30,000—amounting to a ransom—on Soviet Jews who wish to emigrate to Israel and on other Soviet citizens who wish to emigrate to a country of their choice. Some of us have for many years been advocates of increased trade with Communist countries; some of us doubt the wisdom of such trade. But all of us, regardless of our attitude toward East-West trade, wish to insure that the Senate of the United States does not give privileged trade treatment to nations which deny their own people the fundamental human right to emigrate.

Chairman Wilbur Mills introduced the House version of the amendment in the House on February 7. A copy of the joint statement made by Congressmen Mills and Charles Vanik and Senator Henry M. Jackson on that date is enclosed. The number of House cosponsors has since reached 265. We anticipate that the language of the amendment will be added by the Ways and Means Committee to the appropriate legislation in the House and we expect to add the language when appropriate legislation reaches the Senate.

We will soon be putting the text of our amendment with the names of the cosponsors in the *Congressional Record*. Please let us know if you wish to join us in cosponsorship by contacting Richard Perle, office of Senator Jackson, x53381; Morris Amitay, office of Senator Ribicoff, x52823; Pete Lakeland, office of Senator Javits, x56542; or Mel Grossman, office of Senator Gurney, x53041.

Sincerely,

HENRY M. JACKSON,
ABE RIBICOFF,
WARREN G. MAGNUSON,
JACOB K. JAVITS,
JAMES L. BUCKLEY,
EDWARD J. GURNEY,
BIRCH BAYH,
ERNEST F. HOLLINGS,
HUBERT H. HUMPHREY,
ROBERT DOLE,
BOB PACKWOOD,
CHARLES H. PERCY,
EDWARD M. KENNEDY,
JOHN V. TUNNEY,
HARRISON A. WILLIAMS, Jr.,
WILLIAM V. ROTH, Jr.,
HUGH SCOTT,
ROBERT TAFT, Jr.

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

Mr. JACKSON. I am very pleased to yield to the able and distinguished senior Senator from Connecticut who played a most important role, not only in connection with this amendment as it is presented today, but also in the presentation of the amendment last year. I want to express here and now my appreciation for his great help and leadership.

Mr. RIBICOFF. Mr. President, I want to take this opportunity to commend the distinguished Senator from Washington (Mr. JACKSON) for his leadership on this moral issue. There is not another man in this body who has a better understanding and grasp of global problems than the Senator from Washington. For years he has devoted himself to studying and analyzing the various components of power, and the relationships between the nations of the world. When it comes to an understanding of the Soviet Union and the Middle East, the Senator from Washington has no peer in the Congress.

The distinguished Senator from Washington understands fully the desire of the Soviet Union to do business with the United States. It is clear that the Soviet Union needs trade with the United States much more than the United States needs the Soviet Union.

Economic conditions being what they are in the Soviet Union today, it must do more business with the United States. In addition to the economic factors here we also have a great moral issue. The Senator from Washington has always been in the forefront in protecting human rights. He recognizes full well that what is involved here is the question of the future of some 3 million people of the Jewish faith.

The Senator from Washington is mindful of the dark period before and during World War II when 6 million Jews were slaughtered.

It is out of this humanitarian feeling and his desire that what happened during Hitler's time will not recur in modern times that has actuated Senator JACKSON in exercising this leadership today.

Men of good will everywhere, irrespective of their own religious faith, give thanks to the Senator from Washington for his efforts.

It was my privilege to visit Israel in late November. At that time I spoke to dozens of Soviet Jews who had just emigrated to the State of Israel. There was not one of them who did not attribute his arrival in Israel in great measure to the work of the Senator from Washington on this issue. The name of Senator JACKSON is well known to each of them, and his efforts have been the reason why the Soviet Union has gone as far as it has in letting Soviet Jews emigrate.

When I went to London in December I was able to talk by phone with some 15 leading Soviet scientists and intellectuals in Moscow and Kiev. They asked me, "Please, Senator RIBICOFF, will you extend our thanks to Senator JACKSON? We know what his efforts mean. It is only because of pressure from the Congress that the Soviet Union will relax its restrictions and make it possible for us to leave the Soviet Union for places of our own choice."

I want to take the opportunity today to publicly state that Senator JACKSON's leadership is actuated by the highest and noblest humanitarian sentiments. Along with this comes a practical knowledge of how to deal with the Soviet Union. Again my commendations to the junior Senator from Washington (Mr. JACKSON) and I would also like to thank three-quarters of the Senate for again giving this amendment such overwhelming support.

When we first introduced this same legislation last October, I had hoped that the Soviet leaders would recognize the seriousness with which Congress and the American people regarded these violations of human rights in the Soviet Union. Unfortunately, it seems they have not. The repression and intimidation of those seeking to leave the Soviet Union still continue. The Soviet authorities are still extorting huge ransoms from educated persons and their families seeking exit visas.

But Soviet Jews are not the only victims here. Their misfortune will be shared by the Soviet Union itself.

Unless the Soviet leaders take concrete steps to change the present situation with regard to emigration, the Congress of the United States will not grant the Soviet Union the most-favored-nation tariff treatment it desires or the other trade concessions it needs to solve its serious economic difficulties.

The recent heavy-handed attempts by Soviet officials visiting our own country to blackmail the Congress and American Jews on this issue reveal their ignorance of our democratic processes and the concern of Americans of all faiths over violations of fundamental human rights.

It is ironic, indeed, that the allies the Soviets most recently sought to entice into supporting their crude lobbying efforts against this amendment were American businessmen assembled here in Washington. Kremlinologist Victor Zorza, commenting on this, said:

Some of the shrewdest American capitalists were taken in last week by the oldest sales trick in the world—and by the Russians, at that.

Mr. Zorza, in a column published in the Washington Post of March 8, revealed that many Americans who follow East-West trade developments closely know full well—there are no quick profits to be gained in trading with the Russians.

As Zorza put it:

The business acumen of American capitalists is exceeded only by their ignorance of foreign politics, particularly Communist politics. This is going to cost them a lot of money, unless they find some way to learn just how to read the technical specifications in Soviet contracts.

This is not the first time I have taken the floor to speak out on this issue, and I have previously outlined in detail my reasons for supporting it. My message today is that we must stand fast in our support of this amendment until we can be certain of a change in Soviet emigration policies. We do not presume to dictate the policies of another sovereign state. But we can expect expanded trade relations to be accompanied by greater respect for human rights. After all, a major purpose of improved trade relations with the Soviet Union is to contribute to a more civilized interdependent world. We cannot hope to achieve this goal by trading in goods while ignoring the fact that the Soviet Union is putting price tags on human beings.

There is still time to avoid an open confrontation over this issue. But the next move is up to the Soviet Union and I hope that our own leaders—at the highest levels—are conveying this message to Moscow. Congress has taken a courageous stand on this issue, and we will not weaken in our resolve to see it through.

I ask unanimous consent that the article by Mr. Zorza and my two previous Senate statements on this subject be printed in the RECORD.

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

THE SHREWD SOVIETS

(By Victor Zorza)

Some of the shrewdest American capitalists were taken in last week by the oldest sales trick in the world—and by the Russians, at that. The businessmen, 800 of them, came to Washington to learn from a high-powered Soviet delegation about the huge deals which the Russians are offering to American corporations. The two-day conference was arranged by N.A.M., the National Association of Manufacturers.

The Russians soon confessed that they did not have the kind of money that could tempt the Americans. It was therefore up to the United States, they explained, to provide the credits and to make the purchases in Russia that would in turn enable the Soviet Union to buy American.

But—and this was the catch—they advised the Americans to hurry, because the Soviet Union was now drawing up a 20-year plan which would determine the pattern of its trade for years to come. If American business moved quickly, it would get in on the ground floor. But the Russians also made it clear that, if the United States did not offer the "right" terms, the Japanese and the West Europeans would be only too eager to do so—and that American business would be excluded from what was potentially the greatest market in the world.

The fear of Japan is now beginning to take in the businessman's mind the place once held by the Soviet bogey. The Russians know this and exploit it with considerable skill. Reactions at the conference convinced the Russians that they had found the right approach.

No one asked why the Russians were so anxious to do business with the United States if they could so easily get a better deal in Japan or Europe. The answer is that many of the things the Kremlin needs most can be obtained only from the United States. The gas and oil deposits, the copper and other minerals, with which the Kremlin is trying to lure American capital into deepest Russia are so inaccessible, so costly to exploit, that the projects would make economic sense only if they were to be developed on a truly gigantic scale.

Only the United States can think and act that big. Europe and Japan could not provide the necessary capital, nor the market to absorb the output, nor the advanced technology needed to get at the deposits, with which to make the Russian dreams a reality.

There are many other reasons, political and economic, why the Russians would prefer to deal with the United States. The Soviet Union could not have got from Japan or Europe the grain which Mr. Nixon provided, on favorable terms, to save the Kremlin from a serious political crisis. The Russians got those terms partly because they had managed to conceal the extent of their harvest failure.

They understand their needs, and could therefore pretend that if they did not get the right terms from the United States, they would be able to buy the grain from some of the smaller suppliers. But when the dust cleared they were found to have bought $1 billion of grain, which was available in that quantity only from American suppliers. The United States could have got a much better price if it had seen through the Russian game.

At the Washington conference the Russians reversed their tactics and grossly overstated the possible volume of trade. The purpose was to make American corporations compete with each other, as well as with foreigners, and induce them to offer the best possible terms now, perhaps even at a loss, in the hope of large profits in the future—and, to judge again from some of the remarks at the conference, it worked.

The business acumen of American capitalists is exceeded only by their ignorance of foreign politics, particularly Communist politics. This is going to cost them a lot of money, unless they find some way to learn how the Kremlin really works—and not just how to read the technical specifications in Soviet contracts.

Even a corporation like ITT is groping in the dark in its dealings with the Russians because it is not aware of the internal political implications of its proposals. ITT, which owns Avis, tried to teach the Kremlin about the car rental business. It knew that the Russians had tried, and failed, to build up a car rental network.

What it did not know was that this had become a politically explosive issue in the Soviet leadership. Similarly, it discussed with the Russians the introduction of ITT's Levitt modular housing in the Soviet countryside, without realizing that the Kremlin had been engaged in a disruptive debate about the building of rural settlements.

The United States can and should do business with the Russians, provided the terms are right, but unless its businessmen learn something about Soviet politics, and the Soviet trick of playing off one profit-hungry capitalist against another, they may come off second best.

[From the Congressional Record, Oct. 4, 1972]

EAST-WEST TRADE RELATIONS ACT—AMENDMENT

AMENDMENT NO. 1691

Mr. RIBICOFF. Mr. President, I commend both the Senators from Washington and the leadership of the junior Senator from Washington (Mr. JACKSON) for this most important proposal. I also commend my colleagues, the Senator from New York (Mr. JAVITS), the Senator from Minnesota (Mr. HUMPHREY), and the senior Senator from Washington (Mr. MAGNUSON).

I, too, have been a supporter of East-West trade. However, it has been shocking to find that the Russians are dealing in bodies instead of goods at the present time.

We are for trade. More than two-thirds of the Senate is giving a loud and clear signal to the Soviet Union and our leaders in the executive branch that we are willing to do trade with the Soviet Union. However, unless they stop dealing in people we will not trade with them in goods.

Mr. President, I am gratified that so many of my Senate colleagues have joined today in sponsoring this amendment establishing a new section to S. 2620, entitled "East-West Trade and Fundamental Human Rights." And I wish to commend Senator JACKSON for his leadership in developing this amendment.

We all know that there is no reason for this legislation to be enacted during the current session of the Congress since no trade agreement with the Soviet Union has been completed. But the message this amendment conveys to the Soviet Union is crystal clear. Two-thirds of the U.S. Senate is now on record as opposing the granting of MFN status, credits, credit guarantees, or investment guarantees to any Communist country not now enjoying MFN status as long as such country denies its citizens the right to emigrate or imposes more than a nominal fee for emigration.

This measure applies squarely to the Soviet Union's current repressive tactics against its Jewish citizens and the outrageous head tax it has levied on those seeking to emigrate. It is now up to the Soviet Union to decide if it wants American trade concessions. If they do the Soviets will have to stop their trade in people.

It is particularly noteworthy that among those joining in this amendment today are many of those Senators who have consistently sought to expand and improve American economic ties with the East. Also supporting this effort are most of the 27 cosponsors of S. 2620—the East-West Trade Relations Act of 1971—and including the distinguished chairman of the Commerce Committee, Senator MAGNUSON, who introduced S. 2620.

This amendment does not mean that we are turning our backs on trade ties with the Soviet Union. But it does mean that the Senate is not prepared to close its eyes to the gross incompatibility between the Soviet treatment of its Jewish citizens and the spirit of détente. Unless the Soviet Union is prepared to abandon its present course of brutal repression against those who seek to live elsewhere, there can be no significant expansion of trade between the United States and the Soviet Union.

Frankly, I do not think that as rational men their leaders have much of a choice in this case. Economic realities dictate some accommodation with civilized standards of behavior and human decency.

The Soviet economy is in deep trouble. Not only has the agricultural sector been a disaster this past year, but steel and consumer production has fallen off. It is obvious that the Soviet Union desperately needs our wheat, our technology, and our capital investments to exploit their own mineral resources. As I noted in my report on East-West trade to the Finance Committee a year ago, the Russians have already been forced to come to the West for auto, truck and computer industries. They plainly need the benefits of a trade agreement at this point much more than the United States. If Messrs. Brezhnev and Kosygin are so eager to put price tags on people in order to earn hard currency, let them pay a price for this agreement—a display of respect for fundamental human rights.

The agreement that is now being negotiated has been described to me by economists as being extremely one-sided. Reportedly, all the Russians will eventually be paying back on their $11 billion lend lease debt is $500 million. This is less than 5 cents on the dollar—extremely generous terms. In return, they will permit selected American companies to set up offices in the U.S.S.R. in order for those companies to be able to invest more. There will also be made available to the Russians massive credits, access to advanced U.S. technology in a variety of fields, significant capital inputs, and most-favored-nation status for their exports.

In the light of these economic facts, I fail to see what commensurate benefits they can desire from continued persecution of Soviet Jews even though it is estimated they would gather $500 to $600 million in hard currency. Besides, the Soviet leaders do not have to answer to aroused public opinion or a critical press when they shift policy direction.

About 2 years ago the Russians began considering levying large sums of money on those seeking to emigrate, supposedly based on repayment of educational costs. This did not become a reality until this past August 15 when a schedule of high fees was imposed. It has yet to be rubberstamped by the Supreme Soviet. The fees run from $5,000 to $30,000, but actually bear little relationship to actual education costs. Additionally, if there was a genuine concern about a brain drain, why are Soviet Jewish scientists who apply for emigration immediately dropped from their positions. Soviet Jewish leaders have indicated that they do not want this ransom to be paid. Once this is done they feel the Soviets will regress to even cruder forms of anti-Semitism.

While Soviet motives and rationalizations here are unclear, the practical results are that Soviet citizens seeking to leave Russia are being intimidated from doing so, and many young Jewish people have dropped out of school to avoid this tax.

Two weeks ago I stood here in the Senate and warned that unless the head tax was dropped indignation and protest over this outrage would mount. Since then both in the Senate and in the other body numerous Members of both bodies on a bipartisan basis have given vent to their feelings on this subject, establishing a linkage with improved trade relations with the Soviet Union.

Now we are going beyond verbal protests by pledging our support to an amendment which has teeth. Other less effective legislative measures were considered, but were wisely rejected. We have chosen a vehicle which can be attached in the future to any appropriate legislation which will be required to implement facets of any United States-Soviet trade deal. And we are determined to do exactly that if that is the only way to get this message across to the leaders of the Soviet Union.

I urge those of my colleagues on both sides of the aisle who have not yet had an opportunity to consider this amendment to do so. After they have, I hope that they will join with us in striking a blow for human rights and for the assertion of moral leadership by the Senate of the United States.

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AMENDMENT No. 1961

At the end of the bill, add the following new section:

EAST-WEST TRADE AND FUNDAMENTAL HUMAN RIGHTS

SEC. 10. (a) To assure the continued dedication of the United States to fundamnteal human rights, and notwithstanding any other provision of this Act or any other law, after October 15, 1972, no nonmarket economy country shall be eligible to receive most-favored-nation treatment or to participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, during the period beginning with the date on which the President of the United States determines that such country—

(1) denies its citizens the right or opportunity to emigrate; or

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice.

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2) or (3).

(b) After October 15, 1972, a nonmarket economy country may participate in a program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and the authority conferred by sections 3 and 6(a) of this Act may be exercised with respect to such country, only after the President of the United States has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a). Such report with respect to such country, shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and semi-annually thereafter so long as any agreement entered into pursuant to the exercise of such authority is in effect.

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COSPONSORS OF THE JACKSON AMENDMENT TO S. 2620

Senator Henry M. Jackson.
Senator Abraham A. Ribicoff.
Senator Warren G. Magnuson.
Senator Gordon Allott.
Senator James L. Buckley.
Senator Ernest F. Hollings.
Senator Birch Bayh.
Senator Edward J. Gurney.
Senator William V. Roth, Jr.
Senator John V. Tunney.
Senator Harrison A. Williams, Jr.
Senator James B. Allen.
Senator Clinton P. Anderson.
Senator J. Glenn Beall, Jr.
Senator Henry Bellmon.
Senator Alan Bible.
Senator J. Caleb Boggs.
Senator Bill Brock.
Senator Harry F. Byrd, Jr.
Senator Robert Byrd.
Senator Howard W. Cannon.
Senator Clifford P. Case.
Senator Lawton Chiles.
Senator Frank Church.
Senator Marlow Cook.
Senator Alan Cranston.
Senator Robert Dole.
Senator Thomas F. Eagleton.
Senator Paul J. Fannin.
Senator Barry Goldwater.
Senator Robert P. Griffin.
Senator Philip A. Hart.
Senator Clifford Hansen.
Senator Vance Hartke.
Senator Harold E. Hughes.
Senator Hubert H. Humphrey.
Senator Jacob K. Javits.
Senator Edward M. Kennedy.
Senator Gale McGee.
Senator George McGovern.
Senator Thomas J. McIntyre.
Senator John McClellan.

Senator Walter Mondale.
Senator Joseph M. Montoya.
Senator Edmund S. Muskie.
Senator Robert Packwood.
Senator John O. Pastore.
Senator James B. Pearson.
Senator Claiborne Pell.
Senator Charles H. Percy.
Senator William Proxmire.
Senator William B. Saxbe.
Senator Richard S. Schweiker.
Senator John Sparkman.
Senator William B. Spong, Jr.
Senator John Stennis.
Senator Adlai E. Stevenson III.
Senator Stuart Symington.
Senator Robert Taft, Jr.
Senator Herman Talmadge.
Senator Strom Thurmond.
Senator John Tower.
Senator Lowell P. Weicker, Jr.
Senator Howard H. Baker, Jr.
Senator Edward W. Brooke.
Senator Norris Cotton.
Senator Peter H. Dominick.
Senator Ted Stevens.
Senator Charles McC. Mathias.
Senator Daniel K. Inouye.
Senator Jennings W. Randolph.
Senator Lloyd Bentsen.
Senator Hugh Scott.
Senator Wallace L. Bennett.

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[From the Congressional Record, Sept. 12, 1972]

TRADE WITH THE SOVIET UNION: IS IT WORTH THE PRICE?

Mr. RIBICOFF. Mr. President, along with the overwhelming majority of my colleagues and the American people, I welcome the easing of tensions between my own country and the Soviet Union. The recently approved SALT treaty and the interim agreement now before the Senate are milestones in the peaceful evolution of international relations. They are important indications that the Soviet Government and our own have been able to resolve formidable national differences and reach agreements beneficial to both sides. However, the United States may be moving too quickly in seeking to improve trade relations at a time when the Soviet Union is acting contrary to the spirit of detente and moving away from norms of civilized behavior.

Unless the Soviet Union rescinds its recent ukase which places Soviet Jews and particularly Jewish scientists into a new form of 20th century bondage, all of the assumptions behind improved United States-Soviet trade relations fail. When the United States supports increasing economic and commercial ties, we do so in the hope that these contacts act as moderating, civilizing influences on relations between nations. But the establishment of a schedule of exorbitant visa fees supposedly related to a person's education is a totally reprehensible form of extortion. At best it is a highly unusual method of gaining foreign exchange to hold one's citizens captive until ransom is paid by outside sources. The Soviet Union's placing of price tags on its state-supplied education is nothing more than another form of repression against its Jewish citizens and a vulgar attempt at blackmailing the world Jewish community into paying for each educated Jew seeking emigration from Russia. Soviet action in enacting emigration fees ranging from $5,000 to $25,000 goes beyond the usual cynicism expected from the Soviet Union.

The transparency of the Soviet arguments that they are acting to recoup educational expenses provided by the state is hardly worth refuting. However, it sufficies to say that all Soviet citizens, not only those of the Jewish faith, produce a great deal more than they consume. This difference goes to finance the Soviet Government in all of its activities, educational and other. The average Russian, it has been pointed out, earns about 100 rubles a month, although he produces perhaps twice that sum. In the Soviet Union the costs financed by the state, and the benefits accruing to it, cancel each other out. Those who are more educated are in a position to make an even greater contribution—and are truly Soviet society's creditors. An analysis of the actual figures involved is contained in a perceptive letter to the New York Times yesterday on this subject, which I shall ask to be inserted in the Record at the conclusion of my remarks.

Another Soviet argument that they are acting to end a brain drain is equally fallacious. Once a Soviet scientist makes his determination to leave for Israel he is fired from his job and must find menial tasks to earn his livelihood. There is absolutely no economic or rational basis for the Soviet actions other than the further intimidation of its Jewish citizens from applying for visas and obtaining hard currency at the same time.

While it is not certain what motivated the Soviet leadership to take this retrogressive step, we can guess at the sinister motives behind this posting of a pricelist for human beings. There are several apparent reasons for this move. It reflects despair on the part of Soviet authorities. To this date, no matter how they have tried to intimidate Jews, the movement has grown and flourished and the number who apply to emigrate continues to increase. Also the number of highly skilled scientists who apply has also grown.

In a more subtle way it may be an attempt to limit the number of Jews who seek higher education. Knowing that he may be charged exorbitant fees if he ever decides to leave, a Soviet Jew might decide not to continue his education at all. But finally, this tactic may be viewed as a deliberate effort on the part of the Soviet Union to obtain much needed foreign exchange on the assumption that the world Jewish community would pay the ransoms for their brethren.

This decree of August 15 has already resulted in a new wave of fear among Soviet Jews who expect intensified punitive action against those Jews who have been courageous enough to apply for permits to emigrate. This latest Soviet move comes against a background of anti-Jewish diatribes and slander now common in the Soviet media. There have been untold instances of Jews who have indicated their desire to emigrate to Israel being subjected to physical assaults, loss of jobs, arrest, and other brutal forms of intimidation.

To many Americans this latest Soviet action is uncomfortably reminiscent of the Nazi era when the same type of extortion was practiced against German Jews who desperately sought visas to flee Germany. The employment of this technique only brings shame upon those who masterminded it. Fortunately world attention is now being focused on this heinous practice. And fortunately, we as free men living in a democracy are in a position to do something concrete about it.

I do not see how any Senator or Congressman in good conscience could vote for new trade concessions for the Soviet Union at a time when the Russians are trading in human lives. The ransoming of Soviet Jews is one Soviet export all decent men must absolutely refuse to accept. If it is appropriate to link trade issues with political objectives, as our own Government has indicated, it is certainly just as appropriate to establish a linkage between improved United States-Soviet trade relations and the overriding moral issues raised here. It must be made clear to the Soviet Union that it will receive the credits and tariff treatment it is seeking only by removing these new restrictions imposed on the emigration of Soviet Jews.

As many of my Senate colleagues are aware, I have actively sought to expand trade between East and West. Last year I introduced S. 2460, the East-West Trade Exchange Act of 1971. Shortly afterward, working closely with the distinguished chairman of the Senate Commerce Committee, Senator Magnuson, and joined by 25 of our Senate colleagues, we cosponsored S. 2620, the East-West Trade Relations Act of 1971.

In June of 1971, I was the keynote speaker at a large gathering in Budapest, Hungary which had been convened to explore the means of expanding trade and investment between East and West. Upon my return I submitted a report to the Senate Finance Committee recommending the removal of existing American barriers to trade with the East. I still feel that economic ties should be improved, but the question is at what price?

If we are willing to do business as usual despite this blatant disregard for the elements of human decency, we will ourselves be contributing to the continuing amorality in international relations. We will also be acting contrary to our own long-term interests by encouraging the Soviet Union to believe it can get away with this outrageous behavior in the future. No less a Soviet public figure than physicist Andrey Sakharov, the "father" of the Soviet H-bomb, recently condemned the Western democracies for offering only concessions and smiles to a Soviet regime which he described as barbaric. It is time to put a stop to these smiles and concessions unless the Soviets stop the degrading practice of ransoming people.

Israeli Prime Minister Meir in her statement in the Knesset described what brutal message this policy conveyed to every educated Jew in the Soviet Union:

"Your brains and whatever you have studied and thought don't actually belong to you. Since you are a Jew, it is doubtful whether you are entitled to study and gain an education at all. And if you are bound for Israel to join your people—it is your duty to suffer. As for us, we will do our best to find clever means to prevent your emigration in all ways possible. . . ."

The Knesset adopted a strong resolution appealing to all nations, parliaments and international organizations to work for the abolition of this tax. I ask unanimous consent that this resolution be printed at the conclusion of my remarks.

In this country the National Academy of Sciences is already seeking to put together its own appeal on behalf of Soviet Jewish scientists wishing to emigrate. This commenable action was precipitated by the personal appeal of an eminent Soviet Jewish scientist, Benjamin Levich.

Professor Levich, a renowned Soviet physicist and member of the Soviet Academy of Sciences, had publicly denounced the new visa fees—and is already paying the price for his candor. He subsequently transmitted to me a handwritten note appealing to me personally to look into the desperate situation of Soviet Jewish scientists. This letter was delivered to me by an American scientist who recently met with Professor Levich in Moscow during the recent International Biophysical Congress. Enclosed with Levich's note was a copy of the letter he had sent to this International Congress. In his letter Levich stated:

"The scientists who apply to the authorities for the permission to leave for Israel are magically transformed into outcasts who are deprived of any right of continuing a scientific activity: publications forbidden, lecturing forbidden, making scientific reports forbidden, even being cited forbidden.

"A person is immediately expelled from any kind of scientific council, editorial boards, demoted and often fully discharged.

"A person is constantly living under the conditions of permanent pressure and anguish for the fate of his family and himself."

Levich then made an observation which is particularly telling:

"The violation of the civil rights of scientists as compared to other people and the transformation of scientists into the property of the Government is a dangerous precedent.

"Today it is the fate of perhaps a small group of scientists at a certain place of the world. Tomorrow it may happen to anybody and anywhere. The brains as well as the hands of any human being are his personal property. I believe as well that the persecution of scientists and the prohibition of their scientific activity as a punishment for their moral and conscience convictions is inhuman, immoral and disgraceful."

As more people in this country and around the world become aware of the outrageous nature of this latest Soviet action, calls for positive action on the part of our own Government to bring pressure on the Soviet Union will undoubtedly follow.

The Congress of the United States has special constitutional responsibilities with regard to the establishment of trade relations with other nations. Eximbank credits, most-favored-nation treatment, and OPIC guarantees are all legislative matters within the province of the Congress. Already the Soviets have made it known that they place MFN treatment high on their list of trade priorities in the current negotiations. Legislation granting such authority must be considered by the Senate Finance Committee, of which I am a member.

I would hope that other Members of both Houses of the Congress are prepared to go on record, as I am doing today, in making clear our strong opposition to any trade legislation granting the Soviet Union better trade terms as long as the ransom decree is in effect, and as long as similar draconian measures are applied to restrict emigration of Soviet Jews.

I am also prepared, in consultation with my colleagues, to explore other more immediate legislative means to deny the Soviet Union the trade terms it desires. I urge my colleagues to condemn the extortionist Soviet visa fees and to make clear their determination to link improved trade relations with this issue. There is still time to save Soviet Jewry, and I appeal to men of goodwill everywhere to raise their voices in loud protest against this latest injustice, and to pledge their efforts to its total elimination.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter to the editor of the New York Times entitled "A New Soviet Export—Jews," published in the New York Times of September 11, 1972, and the text of a resolution adopted by the Israeli Knesset on August 23, 1972.

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

A NEW SOVIET EXPORT—JEWS

(By Zev Katz)

The Soviet Government's attempt to capitalize on Jewish emigrants is a dehumanizing and unconscionable act. Moral-humanitarian consideration aside, it is essential to examine objectively the Soviet claim that persons emigrating from the U.S.S.R. should repay the state for the costs of their education.

According to Soviet sources, the cost of education for a full-time university graduate would be: ten years of pre-college education, 1,000 rubles; plus an average of four and a half years of higher education, 4,500 rubles, for a total of 5,500 rubles. However, the latest Soviet decree requires a university graduate to pay 12,500 rubles. A doctor of science is asked to repay 31,000 rubles. There obviously is no correlation between the actual costs of education and the payments sought.

Furthermore, one of the central themes in Soviet literature on education is that the Soviet state quickly recoups its educational investment. Through higher productivity, a new skills and, consequently, a higher input into the economy, graduates repay through their labor investment in their education in a period of five to seven years.

The Jewish emigration affords the Soviet state other material benefits which offset possible labor losses of skilled personnel. We assume that Jewish emigrants for 1972 alone will number 30,000. If this is valid, by the end of 1972 the exodus will have totaled 60,000 persons (15,000 in 1971; 15,000 in the preceding decade). The émigrés leave behind their houses and flats. The overwhelming majority of these are state-owned, and the departing emigrants do not receive compensation for this property.

In granting emigration visas Soviet authorities give preference to older people. Data on Soviet émigrés show that one in three is a pensioner or close to pension age. Of the 60,000 departing Jews, 20,000 are estimated as pensioners. State expenses for such persons, including medical care and other public services, average 1,000 rubles per year. As a result of the current exodus, the U.S.S.R. saves twenty million rubles per year in state subsidies for pensioners.

The sum up, by allowing 60,000 Jews to emigrate, the Soviet state affords itself a saving of 200 million rubles in pension payments in a decade and obtain 20,000 apartments valued at 128 million rubles (including costs of upkeep). Together, these sums amount to about one-third of a billion rubles. Additionally, certain intangible benefits result—specialist positions become available, university places become vacant, etc.

Such material savings, generated by the Jewish exodus, coupled with the fact that expenditures on education are (and have been) recouped through the labor of Jewish scientists, objectively demonstrate the fallaciousness (let alone the amorality) underlying the so-called Soviet "education" tax on emigrants.

Soviet officials know that most Jewish professionals in the U.S.S.R. are not capable of raising enough money to pay the emigration tax even if they gave away all their life's savings and sold all their possessions. Obviously, the money will have to come from abroad (mainly from Jews in America). Besides exporting furs, gas, and timber, there will be a new and original Soviet export—Jews.

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TEXT OF A RESOLUTION ADOPTED BY THE KNESSET, AUGUST 23, 1972

1. The Knesset notes that the head tax imposed by the Soviet authorities on Jews holding university degrees in the Soviet Union who desire to emigrate to Israel is an infringement of human rights, a trampling underfoot of human morals and an attempt to prevent the immigration of Jews to their historical homeland. This device aims at cutting off the Jewish community in the Soviet Union from the Jewish people and from the State of Israel.

2. The Knesset appeals to the Government of the Soviet Union to repeal this shameful decree which is aimed only at the Jewish citizens and recalls the Czarist anti-Jewish legislation.

3. The Knesset takes note with deep appreciation of the great response all over the world, amongst peoples, parliaments, governments, progressive organizations, scientists and religious leaders, who all raised their voices in protest against the ransom and demanded its cancellation.

4. The Knesset appeals to all governments, parliaments and international institutions and organizations, as well as to enlightened public opinion in all countries, to work towards the abolition of the head tax imposed on the Jews in the Soviet Union who wish to return to their historic homeland.

5. The Knesset calls upon the Jewish people to mobilize its strength, neither to rest nor to cease their efforts until the "diploma levy" is abolished and the freedom of emigration of Jews from the Soviet Union is insured in effect.

6. The Knesset calls upon scientists of all nations to rise to the defense of the human and national rights of their colleagues in the Soviet Union.

7. The Knesset sends its good wishes, and its hope that they might continue their good fight, to our brethren in the Soviet Union, who are struggling for their human rights and their affinity with our people. The Knesset declares that the people in Israel, as well as the Jewish nation the whole world over, will not rest until the head tax is abolished.

8. The Knesset takes note of the government statement as delivered by the Prime Minister at the special session on Wednesday, the 13th of Elul, 5732 (August 23, 1972).

Mr. JACKSON. Mr. President, I want to thank my good friend from Connecticut for his kind and most gracious comments.

I yield now to the Senator from New York, who has likewise been a tremendous help in the effort we are making here today in connection with our amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. JAVITS. I thank the Chair.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. JAVITS. I thank the Chair.

Mr. President, I would like to join Senator RIBICOFF in the commendation he has made of Senator JACKSON and the very important initiative which is represented by the Jackson amendment, of which I have the honor to be a cosponsor, and of which almost three-fourths of the Senate are joined in cosponsorship, as well as an overwhelming majority in the House of Representatives.

Mr. President, I am not a newcomer to this particular effort; in fact, on August 30, 1972, in a speech in New York City, I said:

We should properly demand justice for Soviet Jewry as a condition for close economic relations with the Soviet Union in trade and finance.

Mr. President, I ask unanimous consent that the entire text of my remarks made on August 30 at the Emergency Rally for Soviet Jews be made a part of my remarks.

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

JAVITS ASKS JUSTICE FOR SOVIET JEWRY AS CONDITION FOR U.S.-TRADE TIES WITH USSR

(Statement of Senator Jacob K. Javits)

The new Soviet policy of holding Soviet Jews for ransom casts a warning shadow across the bright promise of detente and increased trade between the United States and USSR presaged by the President's visit to Moscow.

How many bushels of wheat equals a Soviet family yearning to be united with its kin abroad? With limited funds, does one bargain for one scientist or two high school graduates at the same ransom price? The plight of the ransomed few and the unransomed many is a moral dilemma. It casts a shadow over every Soviet-American discus-

sion, official or unofficial, commercial or cultural. It is an historic American tradition, dating back to the early history of our republic, for Americans to be deeply concerned about freedom of movement.

What the USSR must recognize is that the diplomatic and political issues between the U.S. and the Soviet's concerning strategic arms limitations and the USSR's support of North Vietnam were handled on two levels. We may now have to proceed on two levels concerning Soviet Jewry: reduce international tensions in the strategic arms race and European troop confrontation if possible, but also maintain our unswerving determination that oppressed minorities should be free to move, and that the arts of peace in culture and commerce are directly related to such freedom. *We should properly demand justice for Soviet Jewry as a condition for close economic relations with the USSR in trade and finance.*

Nations, like individuals, must not be allowed to use stratagems and circumventions of human rights to deprive even their own citizens of basic internationally-accepted human rights. The U.N. Charter as well as all consideration of morality dictate that we should honor this principle.

Mr. JAVITS. Mr. President, the real question here is: Is this amendment a fake? Is it a maneuver? Is it a bluff? Or is it serious? Interestingly enough—and we can understand this and respect it, as it is a part of statecraft—an important Russian official, the Deputy Minister of the Interior, set forth these ideas when the Soviet emigration regulations in question here first took, as it were, codified legal form in January of this year, and we have, as well, a declaration by a very important Soviet trade official that those who support this amendment will live to rue the day, because they will be charged, it is said, with a breakdown in United States-Soviet relations over trade.

These are very serious statements, and I think every Senator will understand how seriously I take them and how seriously I evaluate them. But it must be said, upon the other side, but with equal frankness, that the Soviet Union is not bluffing, either; they have declared an official policy, which we must expect they will adhere to. Nevertheless, I know before the recent election—I am sure as a courtesy to the President of the United States—there was a certain leniency in granting exit visas out of the Soviet Union to Israel without an insistence upon the letter of what is now law—which is called by us a ransom and which the Soviets call a proper tax to pay for the cost of the education of professionals and intellectuals in the Soviet Union.

The fact is that there was a relaxation and that even now there are further evidences of relaxation. Indeed, there is a piece in the newspaper which says that about 10 percent of those who leave the country who would otherwise be subject to the tax are not being subjected to it. And indeed, the Soviet Union, in announcing the law, spoke of the special rights of veterans, of old people, and others who might be exempted.

But, Mr. President, this begs the question by them and it begs the question by us. Either this issue is profound enough, important enough, moral enough to justify the full impact of the Jackson amendment and to take what I consider to be an extremely serious step of affecting economic relations which are possible between our country and the Soviet Union or it is not that important. If the latter is true, we should not have the Jackson amendment, and let us stop kidding about it.

I am sure the Soviet Union reads the newspapers just as well as we do, and it knows that this effort represents the sentiment of the overwhelming majority of the Senate and the overwhelming majority of the House. So the important thing to affirm, especially for me, is that this is a moral choice, advisedly accepted, with no illusions as to its consequences. This is the one thing that must be said—with no illusions as to its consequences.

Great nations, great causes, cannot bluff—it is just impossible—and I do not believe the Soviet Union is feigning or maneuvering for position, and neither are those who back this amendment. The Soviet Union must be sure it understands that we are not. It is a really most difficult issue. I do not say it cannot be resolved. Nothing cannot be resolved.

Having considered the matter and having experienced the number of emigration applications that are actually coming in and the number of emigrants that could go out, feasibly, every year, the Soviet Union might very well come to the conclusion, without any reference to the Jackson amendment—strictly as government policy—that the right thing would be to lift the emigration tax. That would be benign, if it could be accomplished.

The Soviet Union considers itself great; it is one of the two superpowers on earth, and I do not see how a great government could be great unless it is willing to be guided by facts and reality.

So really the Jackson amendment ought to be understood as doing two things: No. 1, it says we have a deep moral conviction that such action defies the United Nations Convention, defies all human rights, in terms of a just course, a moral course, and a decent course for humankind. We believe this and intend to stick to it.

Two, there is no derogation of the respect in which we hold the Soviet Union, or for its sovereignty. On the contrary, we hope that the moral wake of our appeal will be received by a great power like the Soviet Union, with the magnificence as well as the capability for doing justice and being generous which a great power has.

That is the spirit in which the Jackson amendment must be regarded, rather than in a spirit of confrontation or defiance or in a spirit of blindness to the basic interests of our country. We do not intend to short circuit detente between the United States and the Soviet Union or between the Soviet Union and the rest of the free world. There is no lack of respect intended by the sponsors of this amendment.

On the contrary, if there were a lack of respect, we would be talking about retaliation or sanctions. We are talking about no such thing. We only say, "If you are going to put our relations on a better, more just, and more ample basis where both peoples can profit, not only economically but in terms of world peace, then our relations must have a moral content." And we say to the Soviet Union, "Here is a body of elected representatives of the people of the United States who have the deep moral conviction that you cannot build a better structure and a stronger structure and a bigger structure of relations between our two countries upon a false basis. You may not think it is on that basis, but we are seeking an appeal to you, based upon high moral grounds. We have confidence in you. You must have the same confidence in us—that we have no ulterior motives."

I think we certainly are among the best friends of a better entente between the United States and the Soviet Union; but we want to facilitate it, we want to put it on sound moral grounds.

Mr. President, this is the essence of the matter. I believe that what the President says about using his best offices, about quiet diplomacy, is entirely in order.

There is nothing that we stand for or say that excludes an effort to resolve this matter; but it would be false to our own efforts if we adopted an attitude that might imply that we favor some sellout, some settlement, some variation of our moral position.

I cannot emphasize that enough; we premise our lives and are attempting to live up to a position of world decency and world justice and the laws of civilized man.

Mr. President, I shall not go into all the details about the fact that the so-called head tax which the Soviet Union puts on emigrants is four or five times what it ought to be, even when considering a good education. I point out that even they must have recognized that if they are going to do this—this rather cold-blooded weighing of human beings on a scale of material values—they certainly should give credit for what a person has done in serving the Soviet Union—working off the education which that person has received. They have recognized that but by no means adequacy.

We are deeply morally convinced of our position. Because the Soviet Union is such a great power, we are incorporating our moral conviction in a way which could be very helpful to us—by showing how seriously and deeply we feel it. We hope that because the Soviet Union is a great power it will be impressed and reconsider this and will realize that its relationship to the society of nations on a high moral plane is infinitely more vital to the Soviet Union and its people than by adopting an artificial and stiff-necked position on this particular regulation, which they allowed to sneak up on them without, perhaps, their realizing the moral impact, the adverse impact, which this has on them in the eyes the world.

I hope very much, Mr. President, that no one will brag about any change in Soviet emigration policy. On the contrary, such a change would add to the luster of the Soviet Union enormously.

I yield to the Senator from Maryland.

Mr. MATHIAS. I thank the Senator from New York (Mr. JAVITS) for yielding me a moment, because I would like to

join with him not only in what he has done—and I have joined him in sponsoring this amendment—but to also join with him in his manner of expressing the position that we share in regard to this matter. Very rightly so, he places it on the highest moral plane and on the most significant area of human expression, that is, human concern.

I think that what we have done, what we have attempted to do, is to use this vehicle to give concrete expression to the emotions, not only those of the Jewish community in the United States, but those of a very great majority of the American people, who have shown their concern to have this issue placed on the highest moral level.

For a number of years we have seen the policies and positions of the U.S. Government reflect this concern. Looking back through our history, we see that in the 19th century, actions taken by Secretary of State Frelinghuysen, on behalf of the Department of State, the U.S. Government, and the American people expresses this human compassion to the world.

Again, during the administration of Theodore Roosevelt, the same subject was voiced emphatically and urgently, by President Roosevelt himself, speaking to and for the very deep emotions of the American people; and so, I think the senior Senator from New York (Mr. JAVITS) has been entirely proper in saying we do place this issue at the pinnacle of our moral concern and compassion.

Mr. JAVITS. I thank my distinguished colleague very much. Senator MATHIAS has had a very excellent record in all matters that concern morality and those that concern the Jewish faith. In his home State and elsewhere, he has been a very strong advocate of the concept of the relationship between the United States and Israel, our common purposes and shared ideals and, indeed, has a very strong voting record in that regard in the Senate and I welcome very much his adherence to this particular concept.

Mr. MATHIAS. The Senator from New York (Mr. JAVITS) is very generous and I appreciate his kind remarks.

I might at this point ask unanimous consent that a brief memorandum of some of the policies and positions taken by the U.S. Government be included in the RECORD.

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

STATEMENT BY SENATOR CHARLES MCC. MATHIAS ON THE PLIGHT OF JEWS IN THE SOVIET UNION

I am deeply concerned about the plight of persons of the Jewish religion in the Soviet Union. It is clear that they are being subjected to gross discrimination. I need not go into the details at this time, for they have been widely reported in the press and commented upon at length on the floor of Congress.

It is now time for us to act. We must take every appropriate step to impress upon the leaders of the Soviet Union the deep commitment of the American people for just treatment of Jews in the Soviet Union. In particular, we must make it clear that they should enjoy that basic human right to emigrate freely. The right to move and travel freely was one of the fundamental principles upon which our own country was founded. I believe that we must continue to advance this ideal at all times.

Our government has a long history of intercession on behalf of victimized Jews in Russia. In 1881, Secretary of State Frelinghuysen directed a strong protest to the czarist court regarding programs inflicted on Jews in Warsaw. Again in 1903, President Theodore Roosevelt forwarded to the czar a petition signed by thousands of American citizens of all religions protesting the Kishinev massacre. In 1906, the Senate and House of Representatives passed a joint resolution condemning the continued mistreatment of Jews in Russia. As this proved unavailing, the House of Representatives in December 1911, voted to terminate the treaty of 1832 which had governed trade and commerce with czarist Russia for almost a century.

It is now time for us to act again. For this reason, I am pleased to sponsor an amendment to the East-West Trade bill which would deny "Most Favored Nation" status to Russia in any expanded trade agreement unless the discriminatory exit fee imposed upon Soviet Jews is removed. It is essential that we clearly signal to the Soviet Union that there must be some satisfactory progress on this issue before we can treat them as a friendly trading party. I think this amendment is the best vehicle for indicating our strong feelings on this matter.

The long tradition of American sympathy for the plight of Russian Jews, extending over a century of Russian-American relations, now demands new proof of our commitment to this aspect of the fight for human dignity and individual liberty.

Mr. BUCKLEY. Mr. President, when the Senator from Washington introduced his amendment to the East-West trade bill last year, with overwhelming Senate support, the Senate's immediate and most conspicuous concern was the "head tax" placed on Soviet Jews who wanted to leave the Soviet Union for Israel and other countries. Our message to the Soviet Government was clear: The United States Senate would not permit the Soviets access to the benefits of the American economy while their citizens, whether they be Christians, Jews, or members of various nationalities groups, were routinely and with impunity denied the fundamental human right to emigrate.

We had hoped that the Soviet Union would appreciate the seriousness of our concern, and of our intent, and begin to dismantle the apparatus that prevented Soviet citizens from leaving their country unharassed. Instead, bolstered by the "spirit of detente," the Soviet Government has officially codified their outrageous "exit fee" policy, and has tightened their grip on all Soviet citizens who wish to leave their country. And they have done this, no doubt, with increasing confidence that the "spirit of dentente" will prevail upon the West to demand nothing of the Soviet Union in return for access to the American economy and American technology that the Soviet Union so desperately needs.

I am happy again to be a principal cosponsor of the Jackson amendment to the East-West trade bill, and I hope that the Soviet Government will this year attach greater significance to the will of the Senate, and of the American people.

Mr. JAVITS. Mr. President, if there is no one on the floor——

The PRESIDING OFFICER. At this time, in accordance with the previous order, the distinguished senior Senator from Florida (Mr. GURNEY) is recognized and is recognized for not to exceed 15 minutes.

Mr. GURNEY. Mr. President, I am glad today to join Senator JACKSON, Senator JAVITS, and Senator RIBICOFF in announcing a most important amendment to any proposed trade legislation which may come before this body. The amendment which is being announced, with the overwhelming support of the Members of this body, is quite simply designed to insure that the United States does not grant trade concessions to countries such as the Soviet Union, which chose to impose a repressive and unconscionable ransom on emigration.

I would hope the Soviet Union would understand the strength and the interest of the United States in its efforts to persuade the Soviet Union to relinquish their discrimination against people who want to leave the country.

Since the end of World War II, Jews throughout the Soviet empire have been abused and intimidated in the old, unchanging tradition of Russia.

They have been denied the right to profess their religion, to express their culture, or even to study the Hebrew language.

Discrimination, persecution and even incarceration continue today with all the frequency of the worst days of the Stalin regime.

Testimony in hearings before the Committee on Judiciary's Internal Security Subcommittee, which I had the privilege of chairing, quite graphically pointed out the inability of citizens of the Jewish faith in the Soviet Union to obtain good jobs, and the outright imprisonment of those who wish to improve themselves.

More recently, in what would have to be one of the paramount historical displays of societal sadism, the government of the Soviet Union has imposed an oppressive head tax, or ransom if you will, of up to $30,000 on each of its Jewish citizens who wish to emigrate.

All that these people are asking for is permission to leave a society which discriminates against them. All they are asking for is to leave and make a new life for themselves elsewhere.

They are prohibited from doing this by a huge exit visa tax. These people, therefore, find themselves in a totally untenable position. They are made painfully aware that they are not welcome to remain in the Soviet Union, and yet are prevented from leaving the place of their persecution.

They are being compelled to remain prisoners in a society which does not want them to remain and will not permit them to leave.

At this time the United States is presented with an excellent opportunity to produce a change in the existing situation. The Soviet Union, through failures of their economic system in general and their agricultural industry in particular, is extremely desirous of advantageous trade agreements with this country.

That country is, therefore, at this time as sensitive as it will ever be to protestations on the part of the United States and to an insistence that they permit these prisoners to leave the nationwide

concentration camp created by the Communist leadership of that country.

Yet the Russians, sensing a typical American weakness in the area of foreign policy and international negotiations, have not sought to create a more favorable framework for trade agreements.

Rather, they have steadfastly maintained their position of total insensitivity in this matter. They have manifested their firm intention to continue to conduct policies which violate basic human rights.

When confronted by criticism, the Soviets have denied any persecution of Jews. They have insisted that any Soviet Jew who wants to leave is able to leave. These positions do not reflect the truth.

Today there are over 100,000 pending affidavits of Soviet Jews which have not been acted upon by Soviet officials.

Thousands of Jewish families have been waiting in vain for years.

Most of them are unemployed and have to depend on relatives and friends to even exist. They are under constant surveillance. They live in daily fear. Indeed, they are in a state of limbo.

When a Soviet engineer or technician is confronted with an exit visa tax of $15,000 or $20,000, he is, considering the salary structure of that country, virtually prohibited from departure.

Because of the denial of these occurrences by Soviet officialdom, I call attention to three specific cases of Jewish citizens in the Soviet Union, which indicate, in a quite compelling way, what is happening there today.

The first case was brought to my attention initially by the greater Miami Jewish Federation and concerns a 51-year-old doctor of technical sciences, Dr. Victor Lapidus.

I was privileged to discuss the matter personally with his brother, Dr. Vallerie Lapidus, who is today an Israeli citizen. This case is an especially illuminating one.

Dr. Lapidus, who worked in Moscow's automobile industry's research institute, applied for an exit visa to Israel and was granted permission to leave upon payment of approximately $30,000. He was told that he would not have to pay the ransom fee if he left the U.S.S.R. within 10 days.

He and his wife then quit their jobs, his 11-year-old daughter withdrew from school and his 19-year-old daughter and her husband were expelled from the university.

The Lapidus family was then evicted from their apartment and, after payment of some 900 rubles for an exit visa for each member of the family, they were told that it had all been a mistake and that they would not be permitted to leave.

The family today is living in a crowded apartment rented by Dr. Lapidus' mother in Moscow and is existing on that woman's pension.

To this day no explanation has been offered to Dr. Lapidus and his family and no hope has been given to him that he will ever be permitted to emigrate from the Soviet Union, despite the fact that he no longer has a place in Soviet society.

The second case was brought to my attention by the Jewish Welfare Federation of Greater Hollywood, Fla. It involves a Mr. Mikhail Kerbel, his wife, Adela, and their 10-year-old son, who are residents of Kharkov, U.S.S.R.

They have applied for visas for immigration to the state of Israel three times and each time have been refused.

Mr. Kerbel has lost his job and is no longer able to support his family. Mrs. Kerbel, a severe multiple sclerosis case, is completely hospitalized. She is 35, her husband is 37.

The most eloquent statement of the tragedy of this situation that could be made is contained in a letter from friends of the Kerbel family in the Soviet Union. I ask unanimous consent that at this point in my remarks the text of that letter be printed in the RECORD.

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

AN OPEN LETTER

To the leaders of the country, represented by:—

The Secretary General of the Central Committee of the C.P.S.U., L. I. Brezhnev

The Chairman of the Presidium of the Supreme Soviet of the U.S.S.R. Nikolai Podgorny

The Chairman of the Council of Ministers of the Soviet Union, A. N. Kosygin.

An Open Letter:

We, the friends and acquaintances of the family named *KERBEL*, living in Kharkov, are witnesses to the fact that Mikhail Kerbel, his wife Adela and their ten-year old son, have been striving unsuccessfully for over a year for permission to emigrate to Israel.

The tragic situation in which this family now finds itself is the reason for our now addressing ourselves to you.

Adela Kerbel is suffering from an incurable and progressively increasingly wasting disease of the body, multiple sclerosis. This illness chains her to her bed and has inflicted absolute immobility on this young woman.

In spite of this terrible physical disability, she has retained perfect clarity of mind; her mental faculties and powers of reasoning are unimpaired. Thus she is fully aware of the situation in which she and her family now find themselves and the awareness of this situation causes her unceasing mental and spiritual torture, making her life completely unbearable.

The constantly repeated refusals to all requests and complaints and the dismissal of her husband from his place of work as a specialist engineer, forcing him to accept work as an unskilled manual labourer, eventually followed by his dismissal even from this work, a few days ago, rendering him completely unemployed, with no income whatsoever, is quite obviously having a terribly adverse affect on the health of Adela Kerbel.

Having to live in this dreadful physical condition, she is surviving only in the hope of seeing the realisation of her desire to live together with her family in Israel. To deprive her of this hope is a certain means of making a dreadful illness even more dreadful, and of quickly bringing about a tragic solution.

However, officials of the Ministry of the Interior (M.V.D.) have informed Adela Kerbel's family that they do not consider their application for emigration to Israel as worthy of consideration.

What is this? Is it lack of knowledge of the circumstances, a mistake, or simply heartlessness or cruelty? It is only necessary to see this young woman with one's own eyes, to listen to her and so to confirm her condition, in order to realise the simple ordinary humanity of this case, and then there will be no doubt as to the genuine need for this family to emigrate to Israel.

We are appealing to you as the leaders of this great country to do everything possible to help the family of M. A. Kerbel to realise their simple desire to emigrate to Israel.

DECEMBER 5TH, 1972.

Signatures. *Kharkov.*—Yuri and Irina Miloslavsky; Alexander Goldinoff; Katerina Yagtman; Lev Mogilevsky; Viktor Yagman; Yona Kolchinsky; Konstantin Skoblinsky; Katerina Skoblinsky; Yofim Shchukin.

*Moscow.*—Vladimir, Maria, Alexander Slepak; Viktor, Elena Polsky; Grigori, Elisa Volokh; Venyamin, Tatiana, Alexander, Yevgenil Levitch; Vladimir Mash; Vladimir, Elena Prestin; Mikhail, Elena Babel; Yuri, Ella Sayassov; Yosef, Anna Beigun; Yaakov, Galina Pisarevsky; Alexander Lozin; Boris, Marianna Ainbinder; Lev Libov Mark Lvovsky Vasil Ratner; Margolina Yuktsia; Viktor Feiermark; Mikhail, Golda Rizhik; Yuli Vasserman; Anatoli Lipgober; Yuli Vexler; Marta Balshinskaya; Grigori Goldenberg; V. Slobodyanin G. Klimovitsky; Ida Nudel; B. Tsitlionok; L. Gengin; V. Korenblit; D. Sinis; A. Tumerman, and others, 72 signatures in all.

Mr. GURNEY. Mr. President, the third example which I wish to relate was not brought to my attention by any organized group, but by an individual constituent of mine who lives in Miami, Fla. It is a case of one Sylva Zalmanson who was sentenced 2 years ago to a 10-year term in a Soviet prison camp when her only crime was her desire to emigrate to Israel.

Pregnant when arrested, she has since lost her child. Due to totally inadequate medical attention, she has gone partially deaf, and has become tubercular. Most recently she was sentenced to 6 months in solitary confinement.

These three reported instances in and of themselves would justify the position which the sponsors of this amendment to the East-West trade bill have taken. Unfortunately, these are not the only three instances which have occurred.

Hundreds of thousands of Soviet citizens of the Jewish faith are in the identical situation.

What disturbs me even more than the official denials of these occurrences is the aggressive, threatening posture of the Soviet leadership. Indeed, officials of the Soviet Union—in opposing this amendment—have recently raised the specter of anti-Semitism on an international basis as a threat..

In a recent meeting in Washington of American businessmen and Soviet trade officials. Soviet official Vladimir Arbatov went so far as to state that the approval by the Congress of this proposal would produce an increase in anti-Semitism not only in the Soviet Union but in the United States itself.

I submit that this will not occur and that the American people are not interested in bailing out a faltering Soviet economy so long as that country continues to deny its citizens the basic human right to emigrate.

The arrogance of threats of this kind against this amendment by Soviet officials reinforces a long-standing conviction of mine that the nature of the Russian Communist is not near as changeable as some pundits have assumed.

Be that as it may, I for one, believe the Senate will support this amendment overwhelmingly and regardless of the ef-

forts of the Soviet leadership, that there will be no legislation providing trade concessions without this amendment.

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

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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## MAJORITY CONFERENCE RESOLUTION ON REDUCTION OF MILITARY EXPENDITURES OVERSEAS

Mr. MANSFIELD. Mr. President, earlier today the Senate majority conference adopted a resolution on the question of reduction of military outlays overseas. I ask unanimous consent that the text of that resolution be printed in the RECORD at this point.

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

POLICY COMMITTEE RESOLUTION

Whereas, At home, Americans are plagued with inflation, and abroad the value of the dollar declines;

Whereas, The current U.S. military base structure and deployment around the world constitutes a serious drain on the budget and bite deeply into tax revenues available for essential needs inside the United States;

Whereas, Reductions of U.S. forces overseas and the closing of excessive and obsolete military bases abroad would save billions of dollars and help, thereby, to halt inflation, strengthen the dollar and permit additional use of tax revenues for domestic purposes;

Whereas, Such reductions are commensurate with the nation's defense, feasible in terms of present military strategy and technology, and in no way contradictory to the nation's foreign policies under the Nixon Doctrine;

The Majority Policy Committee urges:

1. That the Administration consider, forthwith, in conjunction with the appropriate committees of the Congress revisions in the proposed budget with a view to making specific recommendations on the reduction of military expenditures through the prompt close-out of installations abroad which are obsolete or excessive to the current security needs of the nation;

2. That the contingent of U.S. troops stationed overseas be substantially reduced, such reductions to be accomplished in stages over the next one and one-half years.

The Majority Leader is directed to bring this resolution before the Majority Conference for consideration. If concurred in by the Conference, he is requested to confer with the Speaker of the House, the Director of the Office of Management and Budget, and with the Chairmen of the Committee on Appropriations, Foreign Relations and Armed Services on the contents of this resolution and ways and means of implementation by Executive Order or legislative action and to report to the Policy Committee on or before April 30 on the results of these conferences.

Mr. MANSFIELD. The resolution, which I shall not read in full, ends with this directive:

The Majority Leader is directed to bring this resolution before the Majority Conference for consideration. If concurred in by the Conference, he is requested to confer with the Speaker of the House, the Director of the Office of Management and Budget, and with the Chairmen of the Committees on Appropriations, Foreign Relations and Armed Services on the contents of this resolution and ways and means of implementation by Executive Order or legislative action and to report to the Policy Committee on or before April 30 on the results of these conferences.

Mr. President, the operative part of the resolution calls for the following:

1. That the Administration consider, forthwith, in conjunction with the appropriate committees of the Congress revisions in the proposed budget with a view to making specific recommendations on the reduction of military expenditures through the prompt close-out of installations abroad which are obsolescent or excessive to the current security needs of the nation;

2. That the contingent of U.S. troops stationed overseas be substantially reduced, such reductions to be accomplished in stages over the next one and one-half years.

The concerns which led to the adoption of this resolution are not too difficult to pinpoint. This month, wholesale prices climbed at rates more excessive and inflationary than at any time in over two decades. Food prices alone went up by 3.2 percent. To the consumer, the cost of fuel, lumber, and basic commodities and services are going out of reach. Abroad, the value of the dollar continues to shrink. The Senate is about to revalue gold by 10 percent to cover the lost dollar devaluation—the second in about 14 months. Still, monetary stability remains in doubt.

It was in part to accommodate to this financial situation that the administration says it was forced to cut back domestic priorities. Nevertheless, the administration has continued to pour even more money into the military budget and foreign assistance.

In the past, Senators have taken the lead in efforts to have the executive branch pare back superfluous foreign military and other involvements. Time and again, this administration has been urged from the Senate floor to act, and to no avail. Finally, with the support of the Democratic policy committee, amendments to compel cuts in U.S. forces in NATO were offered to legislation in the last Congress. The first attempt on May 19, 1971, called for a straight troop reduction of 50 percent. It was defeated by a margin of 25 votes. The second try came late that year. It would have provided staged reductions, removing 50 percent of our forces from Europe over a 3-year period. The amendment was again defeated 39 to 54 but the idea had gained strength and the losing margin shrank to 15 votes.

It costs the people of the United States about $30 billion annually to maintain bases, troops, and facilities abroad. Using the administration's own figures, the price to the United States of NATO participation is about $17 billion. The balance-of-payments impact of NATO is in the neighborhood of $5 billion, considering official expenditures and dollar usage by dependents of servicemen.

While Europe receives the greatest portion of the defense dollar outflow, the United States maintains well over 600,000 uniformed service people around the globe at $10,000 per man in pay and allowances alone. Our Naval Forces carry tens of thousands more to foreign ports, appearing on station in nearly every body of water on earth that is deep enough to float a vessel. More dollars go out through that channel.

As this calendar year opened, increases in U.S. troops strength were even recorded in Britain—2,000 more U.S. servicemen were deployed there, presumably to defend the British Isles from foreign aggression. We also increased our presence in the Indian Ocean, Australia, and elsewhere.

While in some areas there were downward adjustments of our military presence, the fact remains that overseas there are still too many Americans, too many dependents, too many bases, too many facilities at too great a cost to the people of this Nation and at little or no cost to those whose security, presumably, is being defended. Indeed, one German state is in the process of levying taxes on certain U.S. installations. As if to add insult to injury, the American taxpayer is forced to listen to a Government which wastes billions for antiquated and irrelevant purposes of this kind tell him that the Nation's resources are just not big enough to provide adequately for domestic services—whether for health, education, welfare, or rural services—to the people of this Nation.

It is true that talks on mutual force reductions, after being first urged from the Senate over 11 years ago, are now being pursued, finally, by the executive branch with the Russians. At this late date, however, insofar as they involve U.S. forces deployed in Western Europe, they are not much more, in my judgment, than a last ditch stall. If the present deployment of men is too high in Europe—and it is—talking with the Russians about reducing them simply prolongs what is already an unnecessary and wasteful drain on this Nation. If these U.S. forces in Europe are an excess and a waste to us they cannot increase by one iota our bargaining power with the Russians. Nor can they make any contribution commensurate with cost to our security or to Europe's. If these talks delay what are clearly desirable reductions of our forces, then the talks actually act contrary to our national interests by intensifying the financial debilitation of the United States.

In any event, the possibility of mutual force reductions ought in no way to inhibit the efforts to cut unilaterally this Nation's excessive military involvement abroad, be it in Europe, Africa, Latin America, Asia, Australia, in the islands or on the oceans. Actually, unilateral action by the United States to remove an excess of troops from Europe without diminishing our basic commitment to the NATO Treaty might serve to prod a similar move on the part of the Soviet Union in Eastern Europe. But as long as we stay put in Europe, the Russians will be under no pressure to move out. In short, unilateral action, now, to require a phased reduction of U.S. troops from Europe is needed in our unilateral inter-

est. At the same time, it could very well accelerate the timetable of the mutual force reduction talks.

It has been well over a year since the Senate has addressed this issue. In my judgment, it is particularly appropriate now, with the dollar suffering new declines in confidence abroad a continuing adverse balance of trade and inflation rampant at home that the Senate be given the opportunity again.

In my judgment, no single act which the Congress or the President or both can take at this time would do more to check the inflation at home or the enfeeblement of the dollar abroad than to move without delay to reduce the farflung and outdated overseas military deployment in an orderly fashion. I urge its favorable consideration and I pray that the Republican minority in the Congress and the President will join with us in the pursuit of its contents.

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

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. I should like to associate myself with the statement of the distinguished majority leader and congratulate him on the very concise and lucid summary of the situation with which we are now faced. He has long advocated certain aspects of this matter.

Let me say that his initiative in asking the policy committee and others to seek a congressional budget is very much to be applauded. This aspect of it is a very important part of that.

Thus, I look forward to joining the majority leader in doing anything we can to get the conference to take the lead.

Mr. MANSFIELD. I appreciate what the Senator has just said.

Mr. PASTORE. Mr. President, first of all, I should like to echo the sentiments expressed by the distinguished Senator from Arkansas (Mr. FULBRIGHT) and to congratulate the distinguished majority leader on what I consider to be a most appropriate and timely statement.

One thing that impresses me more than most anything in the resolution is the fact that it is not of a partisan character. It is not an attempt to criticize anyone for anything but merely to point up in a patriotic way the commitments we have made in Europe after World War II at a time when Europe was actually insolvent and where we at the time felt that our responsibility was so great, we committed ourselves according to the exigencies of the time.

But times have changed. Here we are in the year 1973 being told by the same nations, who were prostrate economically speaking and whom we have been helping all these years, the very same nations to whom we gave our Marshall plan money, that America must now defend its dollar abroad.

What an insult that is to the fiscal integrity of our own currency.

Rumors are rampant in many places in Europe that American dollars are not being accepted, even to pay hotel bills. I think that is a disgraceful situation.

What are we saying in this resolution?

We are not saying that America is ready to pull out of the alliance in Europe. We are not saying that for one moment. What we are saying is that many of the weapons in Europe today are absolutely obsolete and are not serving the purpose intended at the time they were installed, that we have more weapons in Europe than are necessary and that our allies in Europe are not living up to their obligations. In all these years, we are the only Nation in the alliance which has lived up to its commitments.

What we are asking today is that our friends in Europe do a little more for their own survival, their own defense, and their own protection.

Here they are, sending negotiators to Moscow to make trade agreements—I mention specifically, Italy, France, Great Britain, and Belgium. They are all there in Moscow, and also the Japanese, to work out what business arrangements they can make with the Russians.

Here we are on the other hand supporting a tremendous military posture in that part of the world, at a tremendous cost to the American people. Much of the weakness of the dollar in Euope is attributable to the fact that our commitments there are too great.

All we are saying today is to look at it sensibly, from the vista of 1973 and not from the vista of 1950.

While we intend to remain in Europe and do our share, I think the time has come when we have to bring our posture up to date. If we do, even our allies will congratulate us for stabilizing the American dollar.

Once more, I congratulate the distinguished majority leader.

Mr. MANSFIELD. I thank the distinguished Senator from Rhode Island.

Mr. MOSS. Mr. President, I commend the distinguished majority leader for his statement. I certainly join wholeheartedly in supporting the kind of action that he has outlined. It seems to me that the adjustment talked about is long, long overdue.

As the distinguished Senator from Rhode Island (Mr. PASTORE) has just pointed out, this does not mean that we withdraw from Europe or retreat into any sort of isolationist position. It simply means that we recognize the realities of the times in which we live today which, coupled with our economic problems, indicate that we must withdraw a great deal of the money we are sending overseas for no apparent purpose.

What could we do with three divisions in Europe if a ground war started there? All those three divisions could constitute would be a trip wire. All of us recognize that.

Why do we need three divisions, over 300,000 men, or whatever the number is, if all we are doing is a symbolic thing, of having a trip wire to show our concern for the Europeans? We must recognize that fact.

As I understand it, we are talking about other worldwide commitments that we have. We have farflung bases around the world, many of them set up at one time which, for one reason or another, have continued to exist and we continue to support them for no reasonable military purpose.

The PRESIDING OFFICER (Mr. HATHAWAY). The time of the Senator from Montana has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that my remaining time under the order and all other reserved time remaining under the orders previously entered may be allotted to the distinguished Senator from Montana (Mr. MANSFIELD).

The PRESIDING OFFICER. Without objection, it is so ordered. The time remaining is 20 minutes.

Mr. MOSS. Mr. President, I shall conclude because I know many of my colleagues wish to speak in the same vein and I need not argue the ground all over again, but it seems to me that the time is long past due when we must make this kind of economic commitment, because of what we have been doing so profligately around the world. At the same time, we should take immediate action, in concert with the President and with our minority party in Congress, to take the immediate steps we need to withdraw much of our military power abroad.

Mr. MANSFIELD. I thank the distinguished Senator.

I yield to the Senator from Michigan.

Mr. HART. Mr. President, I will not take more than a moment to voice support of the action that has been described by the majority leader. Many reasons can be assigned in support of it.

First, the time to eliminate waste of money is when you identify a waste. I think we have long discussed the imprudence economically of the kind of personnel we have committed in Europe. Let us now act to reduce, if not eliminate, that kind of waste.

Second, events in the last month—the Warsaw and Moscow Treaties—I think highlight the kind of stability that has developed on the continent, which argues again that we should recognize that our commitment initially was made in response to a world that no longer exists, that it is a different kind of continent, that tensions have lessened, and that the need for our presence proportionately lessens.

I appreciate what the majority leader has done, and I hope we will find that the Senate, without reference to the aisle that divides us, will support him.

Mr. MANSFIELD. I thank the Senator.

I yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. Mr. President, I commend the distinguished Senator from Montana, our majority leader, for the submission of his resolution in the matter of reducing American troops overseas. He has been the leader in this matter in the Congress, but not the leader in the United States. The original suggestion came from the late, great President Dwight D. Eisenhower, who knew at least as much about the military aspects of NATO as anybody, he being the first commander of SHAPE.

It would seem the problem is becoming ever more simple. Do we or do we not want to destroy the economy of the United States? Ten years ago, 1963, on this floor in a series of speeches, I presented that if we continued with policies which resulted in shipping bil-

lions, upon billions, upon billions of dollars out of this country, we could only end up by passing over the control of our economy to foreign central banks and foreign governments, primarily, of course, the central banks of Europe.

Not long ago the Smithsonian Agreement was termed by the President the greatest financial arrangement in the history of the world, but 14 months later the dollar was devalued again; and I am as sure as I am standing in this Chamber that unless policies change, it will be further devalued.

Last year, we had a heavy deficit in the private trade sector, much heavier than the year before; and the year before was the first deficit in the private sector since 1888. It is my understanding that today foreign interests, including the current very wealthy people in the Middle East who have oil, are purchasing heavily in U.S. corporations. All this but accentuates the growing danger to our economy resulting from the policies we have adopted with respect to the cost to our taxpayers of our overseas commitments all over the world. No economy, not even that of the United States, can continue indefinitely to police and babysit the world. Anyone who travels knows we have few friends except those we pay in order to be able to tell them how to govern their lives.

The distinguished majority leader has been consistent over the years in his position on this matter.

I believe a sound economy is just as important to the security of the United States as the latest weapons system, and am only sorry some of my colleagues have not agreed.

Today much if not most of the control of the American economy has passed to financial interests outside of this country. That is a dangerous development; therefore I am glad to support the resolution brought to the floor by the distinguished majority leader, for this reason as well as others.

Mr. MANSFIELD. I thank the distinguished Senator.

I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I commend the majority leader on his leadership.

The point here is that, since the President laid down the gauntlet of fiscal integrity, balanced budgets, controlled spending and spending limits, the reaction of the U.S. Congress has been only that of increased spending. This reaction was brought about by the fact that the President unconstitutionally impounded funds, and the only recourse Congress had to continue certain ongoing programs was to reinstitute them and to reaffirm our confidence in them as viable and responsible programs. But that action has brought us generally into disrepute, because it has caused the people to believe that rather than trying to save, rather than standing foursquare for balanced budgets, rather than pursuing our prior record during the Nixon years of 1969–72 which actually reduced President Nixon's requests by some $20.2 billion, that we are guilty of being reckless spenders.

It is significant, therefore, that the majority leader is taking the lead in showing how we can intelligently and responsibly respond by the constitutional act of Congress, and come to grips with the problem.

I emphasize "constitutional act" rather than "constitutional law" or "petition." Up to now, some of our colleagues have used different ways—to bring a lawsuit; to cite the Constitution; to angrily appear on TV, talking about image and the unwarranted and unconstitutional invasion of congressional power by the President.

The people could care less about power. What they are looking for is results. They are looking for economy, and a government that can stabilize and control itself and order its priorities.

The majority leader has begun to order those priorities in a responsible fashion by stating, simply, that we are not bugging out, that we are not going isolationist, but that we are looking at the front line of the defense of America—the stability and value of our American dallar. As we look to that, we find the dollar seriously undermined by two devaluations in a 14-month period, by the imposition of wage and price controls, by attempts to bolster the gold standard and rearrange our responsibilities under the gold reserves of America.

In every fashion, the United States is somewhat like a 10-round boxer, reeling, and trying to catch his balance. I believe the first place to catch our balance is in the matter of military deterrence. What really is the best way to put the American foot forward and stand as strong as we possibly can?

I yield to none of the hawks. I happen to be one who voted against the SALT agreement. While I voted for the ratification of the SALT treaty, I voted against the agreement, because inherently it guaranteed an imbalance; and I felt that in our zeal for an agreement, we had given the balance and the advantage to the Soviets.

I am one who called for the type bombing we saw in December last year, from the 18th to the 28th; and not a blanket bombing, by the way. We never have discussed this matter intelligently on the floor of the Senate. When the Senator from Indiana (Mr. BAYH), the Senator from Hawaii (Mr. INOUYE), the Senator from Alaska (Mr. STEVENS) and others visited Southeast Asia earlier this year and were briefed, we discovered the meticulous, careful, pinpointing of military targets that had taken place during the 10-day period. We saw how our military force was brought to bear on the North Vietnamese to show that we meant business.

So to come from me, a proposal to withdraw U.S. troops from Western Europe is not in any sense a "bug-out" or a "withdrawal of commitment to NATO." On the contrary, it is strengthening NATO for what it is, because at this time our part on the frontline with NATO is vested more in the nuclear than in the number of troops.

If we get to the number of troops, we do not have to use the actual number which we as Senators are furnished on a restricted basis. We can look at last month's issue of U.S. News & World Report and find out that the Soviet Union has a 2-to-1 advantage in troops, that she has a 2-to-1 advantage in aircraft, that she has a 3-to-1 advantage in the number of tanks. So discard the word "balance," and the notion that anything there is balanced. That is one of those Madison Avenue gimmicks that have gone on since NATO was established. There is no idea of employing a so-called balance of threat with the Soviet countries. Colleagues will talk about Czechoslovakia and Hungary, and I say to them, we did not use that so-called balance because that is not the posture of the U.S. defense.

Our posture is the same policy of commitment and resolve of the little country of Israel. Those who support Israel come here and argue about pulling the rug from under NATO, and those who support NATO talking about withdrawing commitments and making things shaky through reduction of forces.

Let us harken the physical fact and experience of Israel. I went to the front lines of this little country, and on the Bar-Lev line on the Suez Canal where men were enbunkered in a 360 degree posture and could be easily overrun in 2 hours by the Egyptian forces on the other side. The Israelis say they could be overrun in the first hour or two, but in the next hour Israel would take Cairo, and the Egyptians know it. They are supplied by 14 countries. They stand fast. Why? Not because of the number of troops in the front line; but rather, because of the real deterrent, the resolve of commitment. And this is America's first or front line as well.

Specifically, as to our forces in Europe, I visited the Central Army Command in Heidelberg last November. I reiterate my support for ABM, for equipment, and materiel, but it is my considered judgment, and I would challenge my military friends to refute the statement, that our military policy, posture and deterrent in Europe is to go nuclear within 72 hours.

With the present mutual balance of force reduction, we would have to go at this present minute. They will tell you from the lowest private to the highest general that we have to go nuclear in 72 hours.

Then we can back our Commander in Chief, Gen. Dwight David Eisenhower, one of the greatest military minds of all time, the Republican President of 8 years. He was not pulling the rug out from under anyone, he was not springing up by sudden Senate resolution on March 15, 1973. On the contrary, as a result of his considered judgment, experience as both Commander in Chief and President, military, and civilian, he said, and I quote him:

> One American division in Europe can show the flag as definitely as can several.

This is a Republican initiative and I hope Republicans will respond to it.

So there it is. What we are getting at is 100,000 trip wires are just as good as 535,000 troops and dependents. At the present time we have 325,000 actual troops, and the rest are dependents they are all spending their time skiing, sled-

ding, and apple struddling all over Western Europe, especially Germany. They are getting into trouble and argument involving drugs and other things—and from a policy standpoint, they are bringing rejection and disrepute upon America itself. We do not need those dependents, we do not need all those troops to maintain our posture. We can accomplish our military objectives with 100,000 troops. We can save the recriminations and disrepute by bringing the rest home.

If 27 years later we had foreign troops walking down my main street, I would resent it. It is human nature. The admonition is on the main street in Bonn, Germany: get out of your uniform and try to look like a German. We do not want to go through the terrible political struggles that came about in France where if we had not gotten out a free government would have fallen. France and Charles de Gaulle knew. He was tickled to death to have our troops over there. Then we had become an object of disregard and dispute and it worked against our military policy and national security, rather than assisting it.

I would emphasize one other point about unilateralism. I accompanied the distinguished majority leader to seven capitals in Europe. One could see that State Department crowd at work. Wherever we went the local interests knew about Senator MANSFIELD and the Mansfield amendment. They wanted to get him into immediate action by pointing out how it would all come apart at the seams if he did anything by way of reducing our number of troops. What the multinational corporations and the local interests are concerned about is financial support and deposits.

Well, it did not come apart at the seams when France said to get out. It did not come apart at the seams when Norway said, "We do not want them here." It did not come apart at the seams when Denmark acted unilaterally and reduced its draft from 1½ years to 6 months. It did not come apart at the seams when Israel acted unilaterally and brought into question our base there. It did not come apart at the seams when any other nation has acted unilaterally. It did not come apart at the seams when they acted, as the leader pointed out, to tax our facilities.

It all comes into focus when the Germans say, "Mr. America, defend your dollar." Here we have gone out for years helping to pay the bills of the other crowd, being taxed by them, and actually being derided about not being economically sound. Then, when we act in an economically responsible fashion, we are asked to defend our dollar.

Mr. President, this has gotten to the ridiculous stage.

The PRESIDING OFFICER. The time of the Senator from Montana has expired. Under the previous order the Senator from Virginia is recognized for 15 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I am glad to yield 3 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HOLLINGS. I thank my colleague.

Mr. President, I would emphasize, in addition to the unilateralism, in addition to the matter of mutual balance of forces, the point made by Lord Palmerston some 100 years ago that England has no permanent friends or permanent enemies; she only has permanent interests.

What is the best interests of the United States of America? We must first, in this Congress, get on with establishing and stabilizing a fiscally sound economy or we will not have a front line of defense. I intend to elaborate later when he have more time, but simply stated this proposed withdrawal is nothing more than President Richard Nixon's "Nixon doctrine."

I think the best way to memorialize the returning prisoners of war—as well as those who have gone on, some 55,000 killed in Vietnam and 303,000 who have been wounded there—is to tell the truth about Vietnam.

One of the salient features and thrust of our policy there was that we would be treating the yellow man the same way as the white man, that American foreign policy was color blind. The Nixon doctrine for the Far East is no troops, just economic support and military aid. What we are trying here today is not to pull out any rugs, withdraw from any treaties, bug out, or anything like that. We are trying to turn the ship around and to act responsibly by changing our priorities, saving the American dollar, and, in foreign policy, enacting the Nixon doctrine in Europe as well as in the Far East.

I thank my distinguished colleague from Virginia.

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## THE PETERSBURG (VA.) CASE AND THE VOTING RIGHTS ACT

Mr. HARRY F. BYRD, JR. Mr. President, the city of Petersburg, Va., has become the latest victim of an outrageous act—the misnamed Voting Rights Act, first enacted in 1965 and extended in 1970.

A three-judge Federal court, on the basis of allegations of discrimination, has in effect ordered Petersburg to abandon its progressive, at-large system of representation on its city council and move to some form of a ward system.

The U.S. Supreme Court has declined to review the decision.

The Petersburg case is most regrettable, but I must say that I do not lay the blame for this situation entirely upon the courts. It is the Congress which is at fault for first passing, and then extending the so-called Voting Rights Act.

This act was sectional in its conception. Discrimination against the South is woven into its very fabric.

The Voting Rights Act was carefully tailored to strike at the South. It places the entire electoral processes of seven Southern States under close Federal supervision—and leaves the rest of the States free to do as they please.

In Virginia and the six other States subject to this law, no change—however slight—may be made in election laws without obtaining Federal approval. And every act of every election official in these States is subject to Federal dictation.

I doubt that legislation more outrageous or more unfair ever has been enacted.

Under the provisions of this inequitable law, the representation system in Petersburg was challenged after the city annexed about 14 square miles of territory in two adjacent counties. The court specifically held that the annexation was not carried out with the purpose of diluting the representation of any minority group in the city. Nevertheless, the city is being forced to abandon at-large elections and go to a ward system—a system which has been in disrepute in municipal government for years.

But unfortunate though this case may be, it is not this particular situation or this particular decision which is the problem. The problem is the law itself—the discriminatory Voting Rights Act.

I believe this law should be repealed. It never should have been enacted.

But if it is not repealed, then I say it should be applied to all 50 States. Every political jurisdiction in the United States should have to operate under the same set of rules.

Any voting law which applies to some States and not to others is unfair, unjust, and I should think, unconstitutional.

Mr. President, the City Council of Petersburg has adopted a resolution submitted by Dr. Fletcher J. Wright, Jr., calling for equal application of the law in all parts of the country. I ask unanimous consent that the text of that resolution be included in the RECORD, along with two editorials and one news article about the Petersburg case and its implications which were published in recent editions of the Petersburg Progress-Index.

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

RESOLUTION PRESENTED BY DR. FLETCHER J. WRIGHT, JR. AND APPROVED

Whereas, the action of the U.S. Supreme Court March 5, 1973 in the Petersburg Council Election case clearly confirms the fact that the Voting Rights Act of 1965 discriminates against any and all municipalities in the seven states it covers and,

Whereas, by condemning them to accept a court admitted inferior form of government, this act sets them apart from the rest of the country.

Now therefore be it resolved that, should this act continue to cover the Commonwealth of Virginia, the Council of the City of Petersburg hereby respectfully requests our two Senators and ten members of Congress to use their influence in an attempt to amend the act so that it encompasses the entire United States of America.

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CASE IN GOVERNMENT, NOT POLITICS

Petersburg City Council this week approved by a three-to-one vote a resolution asking that the Voting Rights Act of 1965 be amended so that it encompasses the entire United States.

In proposing the resolution Councilman Fletcher J. Wright Jr., said the law discriminates against the states to which it applies by forcing them to adopt "a court-admitted inferior form of government." The law is the basis for the judicial decision requiring Petersburg to change from at-large

councilmanic elections to a ward system of choosing members of the city governing body. If the pattern of the decision of the three-judge federal court and the refusal of the Supreme Court to hear Petersburg's appeal prevails, it would seem to follow that the same fate awaits Richmond and any other city in the states covered which happens to annex territory.

The logic of the resolution is almost beyond challenge. If anyone has said a good word for the ward system, except on the ground that it is needed to prevent dilution of black political strength, we are not aware of it. A change in the racial composition of a city's electorate, whether it is described as resulting in dilution or something else, is almost certain to result from successful annexation proceedings anywhere in the United States. Protection of black or other so-called minority political rights would stand in as much need of protection there—perhaps more so, since certain other states still impose literacy tests and have registration procedures of their own devising—as they do in the states affected by the law.

The idea of extending the coverage of the law to the nation is not new. It does not have to be advanced in a spirit of protest. Proposed amendments of the kind were voted down when the law was extended three years ago. It may be recalled that former Senator William B. Spong, in defending his vote in favor of the act as extended, explained he had supported amendments which would have given it nationwide application.

Rejection of the proposal was a political response. Because there is a sense of fair play in public affairs, rejection need not be the final word. The resolution of Petersbur City Council is offered not as a criticism or a protest. Copies of it are being sent to the members of the Virginia delegation in Congress asking them to use their influence to have the other states in the Union included, if Virginia continues under its restrictions.

Our point is that the resolution, instead of being a gesture, is an opportunity for making a start in a good direction. It would be desirable for other municipalities and other organizations to take such action.

That the subject could come to be viewed as an important problem in government, which it is, and not as a political issue, is not out of the question.

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A Regressive Move Is Ordered

Although nothing in the Constitution of the United States defines such a role or confers such authority, and although it has reached the status largely through its own decisions and by abdication of responsibility by the other two branches of the federal government, the Supreme Court of the United States is the ultimate exerciser of the nation's sovereignty. What it says becomes "the law of the land." The law of the land will be obeyed.

By refusing to hear Petersburg's appeal from the decision of a three-judge federal court, the Supreme Court is requiring the city to abandon the at-large system of electing members of its governing body and to return to the ward system of choosing councilmen. It matters not that this is a regressive move and has been so recognized, practically without debate, for half a century.

It is to be hoped that the change will not be attended by return of the disadvantages which were recalled vividly when the shift to at-large election was made more than 50 years ago, in line with enlightened principles of local government. Logrolling, reciprocal back-scratching, and a small-gauge, short-sighted view of urban government were its hallmarks.

Not that there is much consolation in the detail, but Petersburg figures in a Supreme Court disposition which is of landmark status. Barring some mysterious technicality, it would seem to foreshadow a decision in the comparable Richmond case. It would seem, further, to predict the sequel for any annexation which may occur in six Southern states.

Thus it would seem to establish national policy with regard to all cities in a large region of the United States. Because cases and issues of much less moment and effect upon policy than this one have been given the full treatment by the highest court, there is merit in the view of Justice William O. Douglas. He said the court should have heard the case. The impression created of almost casual disposition of a major issue, is as uninspiring as it is surprising.

As for the details and mechanics of the move back to the ward system of electing members of the city government body, Petersburg is understood to have less than 30 days to prepare and submit such a plan. We assume that local initiative and decision will figure in this, although it might be easier and more expeditious if an appropriate federal authority would just prepare and hand down a blueprint.

The reason for the regressive move which is required is that Petersburg's recent annexation of land and people from Dinwiddie County and Prince George County resulted in a small majority of whites instead of a small majority of blacks, that black political strength has been diluted.

There is a possibly cheering recognition by federal authority that such dilution was not the purpose of the annexation, but the effect is deemed more important than intent. The assumption of the Voting Rights Act seems to be that race is the paramount if not the only factor in local politics. We wonder if race ever has been that dominant.

The thought evidently does not disturb black leaders, and the details of the ward system remain to be seen, but speculation, not uninformed, suggests a strange possibility. It is that one effect, if race is such an important consideration, would be to consign black political strength to representation by a permanent minority on the governing body. That would be a weird consequence for a change supposedly sanctioned by racial justice.

The decision of the three-judge federal court and the Supreme Court's refusal to hear the appeal have to do with a case arising under the Voting Rights Act with its selective application. The assumption that the policy of requiring ward system election in the six states affected would seem to be sound. Virginia because of recent action by its General Assembly supposedly is taking steps to be excluded from application of the Voting Rights Act. There is no knowledge that progress is being made. Certainly we have no reason to assume that favorable action by the Department of Justice would have any bearing upon court decisions already handed down.

Annexation of adjacent land and people is familiar procedure for cities throughout the United States. It probably is a rare city which does not have a racial composition which would not be altered by annexation. If racial political rights in Petersburg need the protection supposedly provided by the law and the judicial interpretation of the law, then the same principle should apply everywhere. Surely it would be appropriate in those cities of the North and West in which the population of the inner city is largely that of a so-called racial minority. Anyone who thinks that such protection will be extended throughout the nation is probably already standing on his head awaiting an era of one nation and one set of laws for the nation.

The whole transaction should be noted by whose who in poetic moments speak of local government as the government closest to us, the one to be participated in, relied upon, and watched with greatest interest. What better illustration that life is directed from Washington, with state and local governments functioning in administrative capacities and attending to matters which federal authority has not taken over, can be found than this one?

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Council Feels VRA Should Apply to All

(By Jeanne Sellers)

Petersburg.—City Council voted Tuesday night to ask the Voting Rights Act of 1965 be amended so it encompasses the entire United States.

Virginia is one of seven states under the Voting Rights Act now, and Councilman Fletcher J. Wright Jr. said it discriminates against those states by forcing them to follow "a court-admitted inferior form of government."

Dr. Wright introduced the resolution calling for Virginia's two senators and 10 representatives to use their influence to include the other 43 states in the Voting Rights Act, if Virginia continues under its restrictions.

The resolution was passed by a 3-1 vote. Councilman John VanLandingham and Mayor Arlie Andres joined Dr. Wright in supporting the measure. Councilman Conrad Akers was absent.

Hermanze E. Fauntleroy Jr., the lone councilman who opposed the resolution, said the council's efforts "could be better spent developing a positive action plan" to implement the court order.

A three-judge U.S. District Court in Washington has said the city must abandon its at-large election of councilmen, and the Supreme Court refused Monday to hear Petersburg's appeal. The district court contended Petersburg's annexation of 14.12 square miles of Prince George and Dinwiddie counties last year discriminated against black voters.

Dr. Wright, saying he did not intend to be critical of the courts or the Justice Department, said many laws have been found not to be in the best interest of the country.

The vice mayor said he did not want to do anything to impair implementation of the court order.

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## ORDER OF BUSINESS

Mr. HARRY F. BYRD, JR. Mr. President, I am glad to yield the remainder of my time to the distinguished Senator from South Carolina (Mr. Thurmond).

Mr. THURMOND. Mr. President, I wish to thank the distinguished Senator from Virginia, and to inquire how much time is left.

The PRESIDING OFFICER. There are 8 minutes remaining to the Senator from Virginia and the Senator from South Carolina has an additional 15 minutes.

Mr. THURMOND. I believe I have 23 minutes. Is that correct?

The PRESIDING OFFICER. The Senator has 23 minutes.

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## UNITED NATIONS SECURITY COUNCIL MEETING IN PANAMA CITY

Mr. THURMOND. Mr. President, the United Nations Security Council is convening today in an extraordinary session in Panama City, Republic of Panama. This is the first such session to be held in a geographic area of controversy. It has been called not to subdue the controversy, but to heighten it.

The agenda of the meeting is also controversial, because it concerns matters that are wholly a U.S. domestic concern; namely, the exercise of U.S. sovereignty

within U.S. territory. That territory, of course, is the U.S. Canal Zone.

There is no doubt whatsoever that the United States exercises total sovereignty in the zone. That was the intention of Congress in accepting the historic grant of sovereignty from the newly created Republic of Panama in 1903. Congress not only accepted the grant, but additionally bought up all titles in the zone. Congress has erected a U.S. Federal court system in the zone, Congress organized the Panama Canal Company to operate and maintain the canal, and Congress provides for the defense of the zone.

In other words, Congress has consistently exercised its rights as to jurisdiction over U.S. territory as provided in article IV, section 3 of the U.S. Constitution.

NOT U.N. BUSINESS

For the United Nations even to consider discussing, much less to take action upon, matters wholly within our domestic affairs is contrary to the letter and spirit of the United Nations Charter. Our operation of the canal and our exercise of sovereignty in the zone cannot be considered a threat to world peace by any stretch of the imagination; indeed, it is just the opposite. Our operation of the canal has been a source of stability in the hemisphere, and a boon to world commerce. The United Nations has no business whatsoever discussing the canal.

The agenda at the special session constitutes a serious deterioration of our leadership position. Panama invited the meeting, and naturally got strong support from the Soviet Union and Communist China. The United States Ambassador to the U.N. at that time spoke against the special session, but did not veto it.

INTERNATIONALIZATION

Now, for the first time, the Panama Canal question has been internationalized. Up to this point, a question of a new treaty was a bilateral matter between the United States and Panama. The matter has been put upon the board for discussion by all major powers. It can easily slip into the category of the Mideast, Cyprus, Vietnam, and Korea. We should have taken all possible steps to prevent an internal matter from being equated with truly international problems. We know that control of strategic waterways is a vital question to our future; yet if we are not careful the internationalization of the discussion could easily escalate into internationalization of the canal.

In my judgment, Congress will never permit the internationalization of the canal. Indeed, there is a growing articulation of congressional displeasure with any alteration of our basic jurisdiction in the Canal Zone. Many Members of both the House and the Senate have freshly expressed their concern over moves to surrender our sovereign jurisdiction. The executive branch, beginning with President Johnson, has made the abrogation of our sovereignty the starting point of negotiations for new treaties with Panama. Old habits die hard, and I am sorry to say that this attitude has continued under the present administration. The virtual collapse of the present negotiations—the second major collapse—gives us time for a fresh start, and time to reassess the mood of Congress.

CONGRESSIONAL JURISDICTION

I think that Congress will resent the meddling of the State Department in an area which is essentially within the jurisdiction of Congress. This is territory of the United States, as I have pointed out, under article IV, section 3. Congress should consider carefully what the State Department has been doing: The State Department has been negotiating with a foreign country to extinguish congressional jurisdiction in an area of 70 years standing. With the Spooner Act of 1902, Congress authorized the negotiations to acquire sovereignty; yet Congress has not authorized negotiations for the extinction of that sovereignty. The State Department has erred in not preventing the intervention of the United Nations into our internal affairs; but the State Department has also erred in intervening itself into areas beyond its juridical competency.

The mood of Congress is to reassert itself; and I think that when the time comes for the canal question, Congress shall.

For there can be no question of giving up just a little bit of our sovereignty in the Canal Zone. The long-range attitude of the present advisers of Omar Torrijos is for the complete expulsion of U.S. jurisdiction in any shape or form. The chief Panamanian negotiator, Dr. Jorge Illueca, expressed it this way in a defiant speech on December 12, 1972:

> We, the Panamanians, are going to assume full responsibility for that canal. This means a Panamanian Canal, which is what Panama wants, a Panamanian canal, operated by Panamanians, for Panamanians, for the benefit of Panamanians.

PANAMANIAN POSITION

In the recent past, the Republic of Panama has repeatedly indicated that it wished to enter into negotiations with the United States leading to an abrogation of article III of the Hay-Bunau Convention of 1903. Under article III of the convention:

> The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

The recently published new Constitution of Panama contains a provision stating that:

> The territory of the Republic of Panama comprises the land surface and the air space covering it between Colombia and Costa Rica, in accordance with the boundary treaties entered into by Panama with those States. It includes the territorial sea, the continental submarine platform, the lakes and rivers . . .
>
> The national territory may never be ceded, transferred or placed under lien, either temporarily or partially, to a foreign state.

It is in connection with these provisions of the proposed new constitution that Marcelino Jaen, chairman of the constitutional drafting commission, asserted that the above-mentioned text responds to the national goal of recovery of jurisdiction over the Panama Canal Zone.

On September 12, 1972, the New York Times reported that Panama's newly elected Assembly of Community Representatives today charged that the Panama Canal Zone was being occupied arbitrarily and voted to reject the $1.93 million the United States pays annually to use it. It—the Assembly—said the rejection of the annual payment was called for:

> In order that the entire world know that this strip of Panamanian land known as the Panama Canal Zone has not been purchased, or conquered, or annexed, or ceded, or rented, or its sovereignty been transferred by the Republic of Panama to the United States, but that it has been occupied arbitrarily as the result of a unilateral application and interpretation of the 1903 treaty which is annoying to national dignity.

These various recent indications and attempts to abrogate, renegotiate or reinterpret article III of the Convention raise the question of the rights of the United States under article III of the convention and subsequent treaties and understandings with the Republic of Panama.

THE PURPOSE AND FUNCTION OF THE CANAL AND THE CANAL ZONE

Clearly, the canal serves to an ever-increasing degree a vital American, NATO and ANZUS strategic purpose. It is equally vital for maintaining competitiveness in the ever-growing intra-American and international trade. In addition, it cannot be disputed that the effective and efficient achievement of the very purposes of the canal, which are an inherent part of the American national interest, depend on the "efficient maintenance, operation, sanitation, and protection"—of the canal—which cannot be guaranteed by granting only rights in the canal itself. These four and a number of auxiliary functions, which are necessary for the achievement of the canal's purposes, can only be guaranteed if the necessary rights are granted to a technologically and managerially sufficiently potent power; namely, the United States. These rights include "the use, occupation, and control" of a zone wide enough for the effective discharge of the above-mentioned obligations of the United States.

Already the Hay-Pauncefote Treaty of 1901, concluded between the United States and the United Kingdom, established that an Isthmian Canal might be constructed under the auspices of the Government of the United States and that the United States should have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal. This is also the reason why article III of the convention has always been regarded by the United States as a keystone in the structure of its rights in the Panama Canal and the Canal Zone. Bunau-Varilla himself stated that:

I decided to grant to the United States in the interior of the zone, all rights, powers and authority that she would have if she were sovereign, to the entire exclusion of any such rights, powers and authority by the sovereign Republic of Panama.

The United States, without becoming the sovereign received the exclusive use of the rights of the sovereignty, while respecting the sovereignty itself of the Republic of Panama (From Panama to Verdun (1940) 158).

This is exactly the position which the United States has always and unequivocally taken since 1903. In this connection, it will suffice to refer to the remarks made by Secretary Taft in his letter to President Roosevelt which has been inserted into the record of the hearings on interoceanic canals on April 18, 1906. There, Secretary Taft said that:

The truth is that while we have *all the attributes of sovereignty necessary in the construction, maintenance, and protection of the Canal,* the very form in which these attributes are conferred in the treaty seems to preserve the titular sovereignty over the Canal Zone in the Republic of Panama, and *as we have conceded to us complete judicial and police power and control over the zone* . . . I can see no reason for creating a resentment in regard to what Secretary Taft referred to as "mere titular sovereignty." (Hearings, p. 2399)

Summarizing previous official statements, Secretary Hughes reiterated them in 1923 when he said that:

The grant to the United States of all the rights, power and authority which it would possess if it were the sovereign of the territory described, and to the entire exclusion of the exercise by Panama of any such sovereign authority, is conclusive upon the question you raise. The position of this Government upon this point was clearly and definitely set forth in the note of Mr. Hay to Mr. de Obaldia of October 24, 1904.

In conversation, Secretary Hughes said:

This Government could not and would not enter into any discussion affecting its full right to deal with the Canal Zone under article III of the Treaty of 1903 as if it were the sovereign of the Canal Zone and to the exclusion of any sovereign rights or authority on the part of Panama . . . This must be regarded as ending the discussion on that matter.

In a note dated October 13, 1923, the Secretary refused to agree to arbitrate "any question attacking the exercise of sovereign rights of the United States explicitly granted under article III of the treaty of 1903 with Panama."

TREATY OF 1936

Since the United States had regarded article III of the convention to be the keystone of its rights in the Panama Canal and in the Canal Zone, article XI of the general treaty concluded between the United States and Panama on March 2, 1936, provided specifically that the juridical status as defined in article III of the convention remained unaltered.

In addition, article XI of the 1936 treaty provided that:

The provisions of this Treaty shall not affect the rights and obligations of the Two High Contracting Parties under the treaties now in force between them, nor be considered as a limitation, definition, restriction or restrictive interpretation of such rights and obligations . . .

In addition, article I, paragraph 3 of the 1936 treaty provides expressly that:

In view of the official and formal opening of the Panama Canal on July 12, 1920, the United States of America and the Republic of Panama declare that the provisions of the Convention of November 18, 1903, contemplate the use, occupation and control by the United States of the Canal Zone and of the additional lands and waters under the jurisdiction of the United States of America for the purposes of the efficient maintenance, operation, sanitation and protection of the Canal and of its auxiliary works.

The Department of State stated—in response to an inquiry—in a letter of May 18, 1950 that:

An examination of past legislative and judicial pronouncements in point shows that the status of the Canal Zone has always been defined in relation to a particular purpose "namely the efficient maintenance, operation, sanitation and protection of the Canal" but never so generally as to provide a definition for all intents and purposes. (3 Whiteman, *Digest of International Law* (1964) 1146).

1955 TREATY

After lengthy negotiations the United States and Panama signed on January 25, 1955, another Treaty of Mutual Understanding and Cooperation together with a Memorandum of Understandings Reached which was attached to the treaty. Importantly, the treaty of 1955 stated that both parties recognized that:

. . . Neither the provisions of the Convention signed November 18, 1903 nor the General Treaty signed March 2, 1936, nor the present Treaty, may be modified except by mutual consent . . . (preamble).

The position which the United States has taken in the course of all these decades was clearly restated by Deputy Under Secretary Merchant when he left Panama on November 24, 1959. He said on that occasion that:

During the course of our discussions, in response to a question by the President of Panama, I assured him that the policy of the United States Government with respect to the status of the Canal Zone remains as it had been stated more than 50 years ago to the effect that the United States recognizes that titular sovereignty over the Canal Zone remains in the Government of Panama (*Dept. of State Bulletin* No. 1068, Dec. 14, 1959, p. 859).

Finally, Secretary Dulles stated at the time of the 1956 Suez Canal crisis that:

There has been a good deal of speculation as to possible similarities between the Suez Canal and the Panama Canal. Actually, the situation is totally dissimilar in two vital respects. First, the juridical, the legal aspect of the problem. The Suez Canal by the treaty of 1888 is internationalized. The Panama Canal is a waterway in a zone where, by treaty, the United States has all the rights which it would possess if it were the sovereign "to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority." And there is no international treaty giving other countries any rights at all in the Panama Canal except for a treaty with the United Kingdom which provides that it has the right to have the same tolls for its vessels as for ours.

In conclusion, then, article III of the Convention; two subsequent treaties—1936 and 1955; Bunau-Varilla; as well as numerous official statements made by the United States and the active exercise of the latter's rights under the various treaties has made it unequivocally clear that the rights of the United States in the canal and in the zone are an indivisible entity. This indivisible entity comprising the exercise of sovereign rights by the United States in the canal and in the zone were established and have to be maintained as long as the United States operates the Panama Canal. The indivisibility of these rights is due to the fact that effective operation of the canal becomes impossible if the United States limits its freedom of action in the zone to anything less—however minimal—than the full exercise of all sovereign rights. Any restriction, however minimal, of the present rights of the United States would make effective operation of the Panama Canal impossible because it is exactly the exercise of sovereign rights which enables the United States to take immediate action whenever necessary; that is, specifically, in the case of emergencies.

SOVEREIGNTY AND THE EXERCISE OF SOVEREIGN RIGHTS UNDER INTERNATIONAL LAW

The question, then, arises whether it is possible under international law to separate the rights inherent in sovereignty from the residual title to sovereignty. The answer to this question is that there exists no doubt whatsoever that it is in complete conformity with international law to transfer the rights inherent in sovereignty to another state while the transferring state retains merely the residuary title to sovereignty. The rights inherent in sovereignty may—depending on the underlying customary rule or treaty provision—revert to the transferor in due course. Needless to say, such a transfer of rights inherent in sovereignty will always, as will be shown below, be limited to either a part of a state's territory and/or to the exercise of sovereign rights by another state or international body in connection with the performance of specific functional purposes.

Sovereignty is the sum total of the exclusive rights, power and authority which are necessary to govern and administer a territory internally and externally with respect to all issues and problems that may arise in the course of such governance and administration. Clearly, a complete category of such problems and issues can never be established a priori because the most complex problems and issues connected with the exercise of sovereign rights arise from unpredictable emergency situations. In other words, it is impossible to anticipate and to list all possible contingencies which may occur in the future and which may be related to the above-mentioned purpose of maintaining, operating, protecting, et cetera, the canal. It is exactly the right of the United States to take appropriate action related to the above-mentioned purposes in unpredictable emergency situations, which constitutes the innermost meaning of the rights, power, and authority to which article III of the convention refers when it uses the words that the rights and powers of the United States should be identical with those:

Which the United States would possess and exercise if it were sovereign of the territory . . . to the exclusion of the exercise by the Republic of Panama of any such sovereign rights, power and authority.

We must conclude, therefore, that our rights in the Canal Zone are clearly on record and must be carefully safeguarded. Congress intended that the United States should have sovereignty and always acted as the sovereign in the area. Congressional jurisdiction is not an item negotiable by the State Department. Panama—and the United Nations—will be seriously misled if either believes otherwise.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am pleased to yield to the able Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I ask the Senator from South Carolina, is it correct that the United States acquired rights in Panama after negotiating a treaty with the Panamanian Government, which treaty was ratified by the Senate of the United States?

Mr. THURMOND. Mr. President, the Senator from South Carolina would respond affirmatively, that that is the case.

Mr. HARRY F. BYRD, JR. Then if there is to be any change in that treaty, I would assume that there could be no change, but if there is a change in that treaty, it first must come to the Senate of the United States to ratify the change in the existing treaty?

Mr. THURMOND. Mr. President, that is certainly my understanding, because the United States owns the Panama Canal Zone. It was acquired by treaty, and I do not see how anyone could change that unless there were other action taken. In fact, our Government now owns it, and many people take the position that it would take a law of Congress to change that, that it would take the action of both bodies to change it, that even the Senate itself by treaty could not do so, since it is now our property, and the general law provides that when property this country owns is disposed of, it has to be done by law enacted by Congress.

Mr. HARRY F. BYRD, JR. I would think so, too, but I would also think that any change in the treaty would require a two-thirds vote, must come before the Senate and would require a two-thirds vote before it could be approved.

Mr. THURMOND. That is exactly correct; any change by treaty would have to come before the Senate and receive a two-thirds vote to do so.

Mr. HARRY F. BYRD, JR. I thank the Senator, and I thank him for bringing to the attention of the Senate today this important issue.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

## TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business of not to exceed 10 minutes, with statements therein limited to 5 minutes each.

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

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF COST OF LIVING COUNCIL ON POSITIONS IN GS GRADES 16, 17, AND 18

A letter from the Acting Assistant Director for Management, Cost of Living Council, transmitting, pursuant to law, a report on positions in grades GS–16, GS–17, and GS–18, dated January 30, 1973 (with an accompanying report); to the Committee on Post Office and Civil Service.

PROPOSED AMENDMENT TO THE NATIONAL VISITOR CENTER FACILITIES ACT OF 1968

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the National Visitor Center Facilities Act of 1968, and for other purposes (with accompanying papers); to the Committee on Public Works.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A memorial of the Senate of the State of Arizona; to the Committee on the Judiciary:

"SENATE MEMORIAL 1001

"A memorial relating to Veterans' Day; urging Congress to enact legislation returning observance of Veterans' Day to November 11

"To the Congress of the United States:

"Your memorialist respectfully represents:

"Whereas, the Congress of the United States in 1968 enacted legislation which changed observance of Veterans' Day from November 11, the date of the armistice ending World War I and the traditional day of observance of that historical event; and

"Whereas, the change of Veterans' Day to the fourth Monday in October for the sole purpose of adding a three-day weekend to the holidays of the year is not a sufficient reason for breaking with tradition, memories, sentiments, and history and the reduction which follows in participation in patriotic ceremonies. Wherefore your memorialist, the Senate of the State of Arizona, prays:

"1. That the President and Congress give their most earnest consideration to the prompt enactment of legislation which would result in the return of Veterans' Day to the traditional day of observance, November 11, of each year.

"2. That the Honorable Wesley Bolin, Secretary of State of the State of Arizona, transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation.

"Passed the Senate January 29, 1973 by the following vote: 29 Ayes, 1 Nay, 0 Not Voting.

"Approved by the Governor—January 29, 1973."

A memorial of the Senate of the State of Arizona; to the Committee on Veterans' Affairs:

"SENATE MEMORIAL 1003

"A memorial urging the Congress of the United States to enact legislation establishing a National Cemetery in Arizona

"To the President and the Congress of the United States of America:

"Your memorialist respectfully represents:

"The State of Arizona does not have a National Cemetery within its boundaries.

"Due to the many military installations in Arizona, thousands of military personnel have served here. Many have returned as veterans to reside in the dry, healthful climate Arizona offers.

"A deceased veteran who has expressed a desire to be buried in a National Cemetery must be transported to another State for burial thereby causing great hardships for his survivors. Wherefore your memorialist, the Senate of the State of Arizona prays:

"1. That the President and the Congress are requested to give their most earnest consideration to promptly pass legislation providing for the establishment of a National Cemetery in the State of Arizona.

"2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Arizona Congressional delegation.

"Passed the Senate February 5, 1973 by the following vote: 30 Ayes, 0 Nays, 0 Not Voting.

"Approved by the Governor—February 5, 1973."

A joint resolution of the Legislature of the State of Colorado; ordered to lie on the table:

"SENATE JOINT RESOLUTION No. 6

"Whereas, Peace has come to the United States of America through the ending of the Vietnam war; and

"Whereas, The Vietnam war has been the longest conflict of arms in which the United States has been involved; and

"Whereas, The sacrifice, devotion to duty, and dedication to the freedom of men and the dignity of mankind exhibited by those who served in the armed forces during this conflict shall not be forgotten by their countrymen; and

"Whereas, Those who were prisoners of war and missing in action under the most adverse of circumstances during this conflict deserve special recognition for their suffering; now, therefore,

"Be It Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:

"That our hopes for a bright future and our best wishes are extended to those who served during the Vietnam war.

"Be It Further Resolved, That this Resolution be sent to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and each member of Congress from the State of Colorado."

A joint memorial of the Legislature of the State of Idaho; to the Committee on Finance:

"HOUSE JOINT MEMORIAL No. 8, BY REVENUE AND TAXATION COMMITTEE

"A joint memorial to the President of the United States and the Honorable Senate and House of Representatives of the United States in Congress assembled; relating to Federal airport regulations

"We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-second Idaho Legislature, do respectfully represent that:

"Whereas, the government of the United States has imposed airport requirements upon all air carrier airports; and

"Whereas, local governments are being required by the United States to enforce federal regulations; and

"Whereas, if airports do not enforce the federal regulations, the airlines will be pro-

hibited by the federal government from serving the airport; and

"Whereas, these federal regulations were imposed without the usual opportunity for comments from the people being regulated; and

"Whereas, no consideration of local budget laws or local budget cycles was made by the United States prior to imposing these regulations upon the people of this state; and

"Whereas, all Idaho air carrier airports are already overburdened by recently imposed federal airport certification requirements; and

"Whereas, funds are now being collected and a surplus now exists in the aviation trust funds.

"Now, therefore, be it resolved by the First Regular Session of the Forty-second Idaho Legislature, the House of Representatives and the Senate concurring, that we respectfully request that the President of the United States consider our request and respectfully urge the Congress of the United States to fund the costs incurred by the local government's enforcement of federal regulations, and

"Be it further resolved that the Chief Clerk of the House be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States and the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Senators and Representatives representing this state in the United States Congress."

A joint memorial of the Legislature of the State of Idaho; to the Committee on Public Works:

"SENATE JOINT MEMORIAL No. 105

"A joint memorial to the Honorable Richard M. Nixon, President of the United States, to the President of the Senate and the Speaker of the House of Representatives, and to the Senators and Representatives representing the State of Idaho in the Congress of the United States; relating to funds for construction of a bridge across the Snake River between the cities of Lewiston, Idaho, and Clarkston, Washington.

"We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-second Idaho Legislature, do hereby respectfully represent that:

"Whereas, the two cities of Lewiston, Idaho, and Clarkston, Washington, are the commercial and trading centers of the area, and by the 1970 census had a combined population, including their urban environs, in excess of thirty-seven thousand people; and

"Whereas, the cities of Lewiston and Clarkston are presently connected by a single bridge across the Snake River which carries U.S. Highway 12, a federally aided primary route extending from Aberdeen, Washington, to Detroit, Michigan; and

"Whereas, downstream from the two cities the United States Army Corps of Engineers is now constructing the Lower Granite Dam on the Snake River creating a reservoir scheduled for filling in 1975; and

"Whereas, the planned normal pool level of the reservoir will be higher than the normal free flowing high water mark which was the basis for construction thirty-five years ago of the only bridge between the two cities; and

"Whereas, the existing bridge structure would restrict river traffic in view of the size of craft and barges now being used on the river and would necessitate frequent bridge openings; and

"Whereas, on an average day in calendar year 1972 there were twenty-two thousand two-way vehicular trips across the existing bridge; and

"Whereas, with the lift span of the present structure in the open raised position, passage between the two cities is blocked and traffic congestion along U.S. Highway 12 often extends into the metropolitan centers of both cities creating additional traffic problems; and

"Whereas, the comprehensive plan for each city includes a proposal for a second span across the Snake River at sufficient elevation so as not to interfere with normal navigation in the planned pool behind the Lower Granite Dam; and

Whereas, funds for this project are not available from the highway programs of the State of Idaho, the County of Nez Perce, or the City of Lewiston.

"Now, therefore, be it resolved by the First Regular Session of the Forty-second Legislature, the Senate and the House of Representatives concurring therein, that we do hereby respectfully petition the Honorable President of the United States, the President of the Senate and the Speaker of the House of Representatives, and the Congress of the United States to begin immediate action to appropriate the funds necessary to construct a bridge across the Snake River between the cities of Lewiston, Idaho, and Clarkston, Washington.

"Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and to the Senators and Representatives representing the State of Idaho in the Congress of the United States.

"STATEMENT OF PURPOSE

"This Joint Memorial is a duplicate of one now before the State of Washington legislature.

"It petitions the President and Congress to appropriate funds for a second bridge across the Snake River between Lewiston, Idaho, and Clarkston, Washington.

"The reasons for the petition are listed in the Memorial

"The entire cost of this structure to be from federal funds."

Resolutions of the Senate of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS URGING THE PRESIDENT OF THE UNITED STATES, THE CONGRESS OF THE UNITED STATES AND THE UNITED STATES STATE DEPARTMENT TO USE THE FULL WEIGHT AND POWER OF THEIR OFFICES IN IMPLORING GREAT BRITAIN TO REMOVE ITS TROOPS FROM NORTHERN IRELAND AND TO GRANT FREEDOM TO ALL POLITICAL PRISONERS

"Whereas, It is the natural right of every nation to govern itself; and

"Whereas, The artificial division of Ireland by outsiders has resulted in injustice and oppression; and

"Whereas, The struggle for a United Ireland is a legitimate struggle for political self-determination; and

"Whereas, The British propaganda machine has succeeded in depicting the aged-old Irish struggle for freedom as an eruption of bigotry based on ancient and petty grudges; and

"Whereas, Certain persons in the United States government has fallen prey to such propaganda and have involved themselves on the side of the British oppressors, therefore be it

"*Resolved*, That the Massachusetts Senate urges the President of the United States, the Congress of the United States and the United States State Department to use the full weight and power of their offices in imploring Great Britain to unconditionally release and grant freedom to all political prisoners in Ireland and Britain, to withdraw all British troops from the streets of Northern Ireland and further requesting the British Government to declare an intent to withdraw all military personnel from Northern Ireland; and be it further

"*Resolved*, That a copy of these resolutions be sent by the Senate Clerk and Parliamentarian to the President of the United States, to the presiding officers of each branch of the Congress of the United States, to the United States State Department and to each member of Congress from the Commonwealth.

"Senate, adopted, February 20, 1973."

Resolutions of the Senate of the Commonwealth of Massachusetts; ordered to lie on the table:

"RESOLUTION WELCOMING HOME THE PRISONERS OF WAR AND INVITING EACH OF THEM TO VISIT AND ADDRESS THE MASSACHUSETTS STATE SENATE

"Whereas, Citizens of this Commonwealth imprisoned as the result of the war in Southeast Asia are now being released and returned to their homes; and

"Whereas, The members of the Massachusetts State Senate are acutely aware of the suffering and hardship which these prisoners of war have undergone by reason of their having assumed and discharged their duties of citizenship far beyond the normal call; now, therefore, be it

"*Resolved*, That the Massachusetts State Senate extends its heartfelt thanks and welcome to prisoners of war returning to all parts of the United States from Southeast Asia; and be it further

"*Resolved*, That the members of the Massachusetts State Senate invite each and every such returnee to the City of Boston as a guest of the Massachusetts Senate and to address said body upon the occasion of his visit; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Senate Clerk and Parliamentarian to the President of the United States, to the presiding officer of each branch of the Congress and each member thereof from the Commonwealth, to the Secretary of Defense and to the Secretary of State and to each prisoner of war returnee of this Commonwealth, if possible.

"Senate, adopted, February 21, 1973."

A resolution of the Legislature of the State of Minnesota; to the Committee on Public Works:

"RESOLUTION No. 2

"A resolution memorializing Congress to pass a federal aid highway act for the 1974 and 1975 fiscal years

"Whereas, the Congress of the United States has not yet passed a federal highway act for the fiscal years 1974 and 1975; and

"Whereas, funding for the federal aid highway system will expire on June 30, 1973, unless Congress passes new legislation; and

"Whereas, uncertainty over future levels of federal funds inevitably disrupts long range transportation planning in Minnesota; and

"Whereas, delays in federally aided highway projects represent an obstacle to the economic development of outstate Minnesota; and

"Whereas, many important issues in the field of transportation need to be resolved by Congress as soon as possible; now, therefore,

"Be it resolved, by the legislature of the State of Minnesota, that the Congress of the United States enact a federal highway act for the fiscal years 1974 and 1975 at the earliest feasible date; and

"Be it further resolved, that the Secretary of State of the State of Minnesota transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairman of the Committee on Public Works of the United States Senate, the chairman of the Committee on Public Works of the United States House of Representatives and the other Minnesota Representatives and Senators in Congress."

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION No. 55

"A concurrent resolution applying to the Congress for a convention to propose an amendment to the Constitution of the United States

*"Resolved,* By the House of Representatives of the State of Mississippi, the Senate concurring:

"That the Legislature of the State of Mississippi, pursuant to Article V of the Constitution of the United States, hereby makes application to the Congress of the United States to call a convention for proposing the following amendment to the Constitution of the United States:

"No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin; and, be it further

*"Resolved,* That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V. If Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1974, this application for a state application shall no longer be of any force or effect; and, be it further

*"Resolved,* That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the Legislature of the State of Mississippi interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions; and, be it further

*"Resolved,* That copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Mississippi delegation to the United States Congress.

"Adopted by the House of Representatives, February 19, 1973.

"Adopted by the Senate, March 2, 1973."

A concurrent resolution of the Legislature of the State of New Hampshire; to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION

Memorializing the Congress of the United States to enact legislation which will grant the Social Security increase without having any welfare assistance or veteran's pension reduced

"Whereas, Social Security payments were increased effective as of October 1, 1972.

"Whereas, there are social security recipients of New Hampshire who have been terminated from the donated food program and/or who have had their old age assistance grants or veteran's pension reduced as a result of receiving the social security increase.

"Whereas, these particular recipients have thus had no actual increase in their economic status because of the reductions in their welfare assistance or veteran's pension.

"Now therefore be it resolved, by the Senate of the General Court of New Hampshire, the House of Representatives concurring:

"That the Congress of the United States is hereby memorialized to enact legislation which will grant this recent social security increase without having any welfare assistance or veteran's pension reduced because of such social security increase, and

"Be it further resolved, that pending such congressional action all federal, state and local officials, in their respective official capacities, are urged to attempt to remedy administratively this unfortunate situation, and

"Be at further resolved, that these recipients are urged to exercise their legal rights to rectify this situation, and

"Be it further resolved, that the secretary of state be instructed to forward a copy of these resolutions to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to each member of the congressional delegation from New Hampshire."

A joint resolution of the Legislature of the State of New Mexico; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 2

"A joint resolution to ratify the proposed equal rights amendment to the Federal Constitution

"Whereas, the 92nd Congress of the United States of America at its second session, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the constitution of the United States of America in the following words, to wit:

"'JOINT RESOLUTION

"'*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"'ARTICLE —

"'SECTION 1. Equally of rights under law shall not be denied or abridged by the United States or any State on account of sex.

"'SEC. 2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

"'SEC. 3. This Amendment shall take effect two years after the date of ratification.';

"Now, therefore, be it resolved by the Legislature of the State of New Mexico that such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified; and

"Be it further resolved that certified copies of this resolution be forwarded by the governor of New Mexico to the administrator of the General Services Administration, Washington, D.C. and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

A joint resolution of the Legislature of the State of New York; to the Committee on Foreign Relations:

"STATE OF NEW YORK

"Joint Resolution of the Legislature of the State of New York memorializing the President and the Congress of the United States to consider the plight of Soviet Jews prior to granting favored nation status to the Soviet Union

"Whereas, In the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world and indeed by the Soviet Constitution; and

"Whereas, Jews and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

"Whereas, The government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discrimination against Jews in cultural activities and access to higher education; and

"Whereas, The right freely to emigrate, which is denied Soviet Jews who seek to maintain their identity by moving elsewhere, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations; and

"Whereas, These infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union; now, therefore, be it

"Resolved, That the Legislature of the State of New York memorialize the President and the Congress of the United States to consider the plight of Soviet Jews when granting most favored nation status to the Soviet Union, and to call upon the Soviet government to end its persecution of the Jews and other minorities and to permit the free exercise of religion by all its citizens in accordance with the Soviet Constitution; and be it further

"Resolved, That the Legislature of the State of New York, in the interest of justice and humanity, memorialize the President and the Congress of the United States to call upon the Soviet government to permit its citizens to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and be it further

"Resolved, That the Legislature of the State of New York petition the United States government to use all appropriate diplomatic means to engender the fullest support possible among other nations for such a request to the Soviet Union; and be it further

"Resolved, That in order to effectuate the purposes of this resolution, copies of this resolution be transmitted to the President, Vice President and Secretary of State of the United States, to the Secretary of the Senate and the Clerk of the House of Representatives of the United States, and to each member of the Congress of the United States from the State of New York."

A resolution of the House of Representatives of the State of Ohio; to the Committee on Aeronautical and Space Sciences:

"H.R. No. 17

"Memorializing the 93rd Congress and the President of the United States and the Director of NASA to devise an alternative use for the NASA Plum Brook Research Station at Sandusky, Ohio

*"Be it resolved by the General Assembly of the State of Ohio,*

"Whereas, The federal government has invested over One Hundred-Twenty million dollars in the National Aeronautics and Space Administration facilities at Sandusky, Ohio; and

"Whereas, More than ine thousand valuable acres have been acquired as land resources for the NASA Plum Brook Research Station in the heart of Erie County, which station it was recently announced is to be closed; and

"Whereas, NASA has employed more than four hundred sixty persons at this facility, many with highly skilled scientific abilities; and

"Whereas, the annual economic impact to the area involves a payroll and contract ex-

penditures in excess of twelve million dollars; and

"Whereas, Continued use of this fine research facility by some government agency would surely insure that its resources would not be wasted, nor allowed to lie fallow and forgotten; and

"Whereas, Productive use of Plum Brook would contribute immeasurably to the economic welfare of the surrounding community; therefore be it

"Resolved, That members of the House of Representatives of the 110th General Assembly of Ohio respectfully request and strongly urge that the Congress of the United States, the President of the United States, and the Director of NASA move with all speed and maximum concern to formulate an alternative use for Plum Brook Research Station; and be it further

"Resolved, That we urge the President of the United States and each of the Ohio Senators and Congressmen to lend their support and aid to the earliest possible time to plan so devised which will continue use of any plan so devised which will continue use of the facility; and be it further

"Resolved, That the Legislative Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to Richard M. Nixon, President of the United States; the Vice-President of the United States; the Speaker of the House; the Dirctor of NASA; to each of the United States Senators from Ohio; and to each member of Congress from Ohio."

A concurrent resolution of the General Assembly of the State of South Carolina; to the Committee on Labor and Public Welfare:

"CALENDAR NO. S. 199

"A concurrent resolution to Memorialize the President and the Congress of the United States to Recommend and Appropriate Adequate Funds to Continue the Effective Implementation of the Library Services and Construction Act

"Whereas, the General Assembly of South Carolina is well aware of the necessity for both the President and the Congress to exercise caution and restraint in the expenditure of federal tax revenues, it being similarly situated with regard to the expenditure of State funds; and

"Whereas, the General Assembly, nonetheless, believes that in the determination of priorities in the use of public revenues the basic needs of the people and the success of existing programs must be given serious consideration and should indeed be the determining factors in the arrangement of those priorities; and

"Whereas, for many years the Library Services and Construction Act enacted by the Congress has resulted in remarkable improvements and expansion in library systems throughout the State, provided scholarships which increased the number of persons trained in library science, made library facilities available to millions of addiitonal persons particularly those who were culturally and economically disadvantaged, brought assistance and special training to the functionally illiterate and generally has raised the quality of the libraries everywhere; and

"Whereas, these contributions to our society have paid and will continue to pay dividends in the happiness and productiveness of our citizens far in excess of the cost of the program; and

"Whereas, the Library Services and Construction Act could by no stretch of the imagination be termed one of those programs which has failed to accomplish the purpose for which it was created. Now, therefore,

*"Be it resolved* by the Senate, the House of Representatives concurring:

"That the President and Congress of the United States be and hereby are memorialized to recommend and appropriate adequate funds to continue the effective implementation of the Library Services and Construction Act and thereby prevent the lights being turned out in libraries throughout the land.

*"Be it further resolved,* That copies of this resolution be forwarded to the President of the United States, the Speaker of the House of Representatives, the President of the Senate and each member of the South Carolina Congressional Delegation in Washington, D.C."

A concurrent resolution of the General Assembly of the State of South Carolina; to the Committee on Public Works:

"CONCURRENT RESOLUTION

"To memorialize the Congress of the United States to continue Federal aid to state highway construction at present levels to prevent serious deterioration of our highway system.

"Whereas, federal aid to highway construction has for many years been a basic support to the construction and maintenance of highways throughout the nation; and

"Whereas, state programs have been planned assuming federal assistance would be available; and

"Whereas, federal revenue from gasoline taxes should properly be used for highway purposes; and

"Whereas, there are present indications in the news media and elsewhere that federal assistance to state highway building programs will be substantially curtailed which, if true, would severely damage existing and planned state highway programs. Now, therefore,

*"Be it resolved by the House of Representatives, the Senate concurring:* That the Congress of the United States be, and hereby is, memorialized to maintain, at least at present levels, the *federal aid programs for highway construction* in the state to insure continued progress and improved safety on these vital arteries of commerce and public and private transportation.

*"Be it further resolved* that copies of this resolution be forwarded to each member of the South Carolina Congressional Delegation, the President of the Senate and the Speaker of the House of Representatives in Washington, D.C."

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Veterans' Affairs:

"HOUSE CONCURRENT RESOLUTION NO. 501

"A Concurrent Resolution, Memorializing the Congress of the United States to direct the Secretary of the Army to establish a national cemetery at a site near the Fort Randall Dam in Gregory County, South Dakota

*"Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:*

"Whereas, one of the first duties of this nation is to provide suitable resting places for those who have given a full measure of service to their country; and

"Whereas, a great need exists on the central plains of this great nation for a national cemetery to serve as final resting place for this nation's honored dead; and

"Whereas, the United States Government owns approximately three hundred twenty acres of land located on the southeast side of Fort Randall Dam in Gregory County, in the central plains of South Dakota; and

"Whereas, a cemetery containing the graves of United States veterans of the earlier era already exists on a portion of the above said acreage.

"Now, therefore, be it resolved, by the House of Representatives of the Forty-eighth Legislature of the State of South Dakota, the Senate concurring therein, that the Congress of the United States be memorialized to direct the Secretary of the Army to establish a national cemetery on a portion of the above said three hundred twenty acres of federal land located on the southeast side of Fort Randall Dam in Gregory County in order that this great nation can fulfill its obligation to those of its citizens who answered the call during the time when our great republic was threatened by the enemies of freedom; and

"Be it further resolved, that copies of this concurrent resolution be transmitted by the Chief Clerk of the House of Representatives of the State of South Dakota to the offices of the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, the members of the Congressional delegation of the State of South Dakota, the Secretary of the Army of the United States and the Governor of the State of South Dakota.

"Adopted by the House, January 30, 1973.

"Concurred in by the Senate, February 6, 1973."

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on Commerce:

"SENATE JOINT RESOLUTION NO. 77

"Memorializing the Congress of the United States to desist from enacting legislation relating to 'no-fault' insurance

"Whereas, the United States is comprised of a union of sovereign states to which powers not delegated by the Constitution of the United States are reserved; and

"Whereas, historically, matters governing the insurance industry have been dealt with by the States; and

"Whereas, State control of insurance matters has proven beneficial as appropriate measures have been enacted to provide for conditions peculiar to local circumstances; and

"Whereas, in recent times much attention has been given to various 'no-fault' schemes to replace automobile liability coverage now available in many states and in this Commonwealth; and

"Whereas, in determining if Virginia should require such 'no-fault' insurance, it would seem best that such determination and the particulars related thereto would most properly be left to this General Assembly and all other State Legislatures; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That this General Assembly does hereby memorialize the Congress of the United States to desist from enacting 'no-fault' insurance legislation thereby preserving the power of the States to supervise insurance activities.

"Resolved, further, That the Clerk of the Senate is hereby directed to furnish a suitably prepared copy of this resolution to the President of the United States, the Secretary of Transportation of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and each member of the Congress who represents the people of this Commonwealth."

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION NO. 130

"Memorializing the Congress of the United States to propose an amendment to the Constitution of the United States, relating to tenure of federal justices and judges

"Whereas, the justices of the Supreme Court and judges of the inferior courts of the United States are appointed for life, and are removable only by impeachment; and

"Whereas, in forty-seven of the fifty states, including this Commonwealth, the Judiciary has fixed tenure; and

"Whereas, the experience in this Commonwealth reveals that although the judges may be removed from office at the end of their terms, the judiciary has remained independent; and

"Whereas, the Congress of the United States should be granted the power parallel to that which this General Assembly now has, that is, to review the records of its federal justices and judges of inferior courts; now, therefore, be it

"Resolved by the Senate of Virginia, the House of Delegates concurring, That the Congress of the United States is hereby memorialized to adopt and offer to the States for ratification or rejection the following amendment to the Constitution of the United States:

"ARTICLE

"SECTION 1. Notwithstanding the provisions of the second sentence of Section 1 of Article II of the Constitution, each justice of the Supreme Court and each judge of an inferior court established by Congress under Section 1 of Article III shall hold his office during good behavior for terms of eight years. During the eighth year of each term of office of any such justice or judge, his nomination for an additional term of office for the judgeship which he holds shall be placed before the Senate in the manner provided by the law, for the advice and consent of the Senate to such additional term, unless that justice or judge requests that his nomination not be so placed. Any justice or judge whose nomination for an additional term of office is so placed before the Senate may remain in office until the Senate gives its advice and consent to, or rejects, such nomination. If the Senate gives its advice and consent to an additional term of office, that term shall commence from the date of such advice and consent, or the day immediately following the last day of his prior term of office, whichever is later.

" 'SEC. 2. The terms of office established by Section 1 of this article shall apply to any individual whose nomination for a judgeship is submitted after the ratification of this article to the Senate for its advice and consent."

"Resolved further, That the Clerk of the House of Delegates is hereby instructed to send copies of this Joint Resolution to the members of the Virginia delegation in the Congress of the United States and to the President and Vice President of the United States, and the Clerks of the Senate and the House of Representatives."

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION NO. 75

"Applying to Congress to call a convention for the purpose of amending the Constitution of the United States to provide for limitation on the amount of the national debt

"Whereas, it has become the practice of the federal government to make appropriations of funds greatly in excess of revenues collected, thereby requiring extensive borrowing, contributing to the inflation of United States currency and an inequitable burden on those least able to cope with inflation; and

"Whereas, this policy places the burden of funding the debts thus created on future generations of Americans who have no control over the incurring of such debts; and

"Whereas, this inflationary practice has impaired the credit of the United States and the standing of its currency, and has made more difficult the financial and other problems of state and local governments; and

"Whereas, if a new policy of financial responsibility in the operation of the federal government is to be achieved, it appears that action thereon must be taken by the states; and

"Whereas, in the event of Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention; and

"Whereas, the Congress of the United States is required by the Constitution to call such a convention upon receipt of such application; now, therefore, be it

"*Resolved* by the House of Delegates of Virginia, the Senate concurring, That pursuant to Article V of the United States Constitution, the General Assembly of Virginia does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutonal amendment, to-wit:

" '1. Except in case of a declaration of war, or a national emergency declared by a two-thirds vote of its members, the Congress shall make no appropriation in excess of the estimated cash revenues for the year for which such appropriation is made. Any deficiency in such revenues shall be paid out of the first revenues received in the ensuing year. Congress may, however, by majority vote contract to meet casual deficits in the revenue, to redeem a previous debt, or in anticipation of the collection of revenues for the current year wthin the amount of authorized appropriations, provided that any debt so contracted shall mature within two years from the date it is incurred, and shall not exceed one-fifth of the estimated cash revenues for the current year.

" '2. No obligation incurred by the government, its agents or instrumentalities, including any existing on the effective date of this amendment, and any obligations of others to which the credit of the United States may be committed, shall exceed four times the average government revenues from all sources in the preceding four years.

" '3. Any obligation hereafter incurred shall be discharged within forty years from the date it is incurred; and any obligation existing on the effective date of this amendment shall be discharged within seventy-five years thereafter.'

"Be it further resolved, That unless rescinded by the General Assembly of Virginia, this application shall constitute a continuing application for such convention pursuant to Article V until the legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States; and

"Resolved further, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has even been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part, the General Assembly of Virginia interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions; and be it

"Finally resolved, That certified copies of this resolution be presented forthwith to the President of the Senate and Speaker of the House of Representatives of the United States and to the legislatures of each of the several states, attesting the adoption of this resolution by the General Assembly of Virginia.

"Agreed to by the House of Delegates, March 2, 1972.

"Agreed to by the Senate, February 23, 1973."

A joint memorial of the Legislature of the State of Washington; to the Committee on Post Office and Civil Service:

"HOUSE JOINT MEMORIAL NO. 5

"To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, to the Senate and House of Representatives of the United States, in Congress assembled, and to the Postmaster General:

"We, Your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectively represent and petition as follows:

"Whereas, The Spokane World Exposition or Expo '74 will open in Spokane, Washington in May, 1974, and will continue until October, 1974; and

"Whereas, Expo '74, officially sanctioned by the Bureau of International Expositions in Paris, will be the only World Exposition currently scheduled in the United States during our bicentennial period; and

"Whereas, The central theme of Expo '74, the first world Exposition on the environment is "Celebrating Tomorrow's Fresh, New Environment"; and

"Whereas, All exhibits expected from every major nation in the world, industry, state governments, and environmental groups will relate to the central theme and will be designed to reflect man's awakening concern about his place in nature's cycle and to show what steps he is taking to restore and preserve his environment; and

"Whereas, The major features of Expo '74 will be education, entertainment, and enjoyment;

"Now therefore, be it resolved, That we, the members of this Forty-third session of the Senate and House of Representatives of the State of Washington, do hereby respectfully memorialize and petition the Congress of the United States to cause a postage stamp to be issued commemorating Expo '74, the World's Fair, Spokane, USA; and

"Be it further resolved, That copies of this Memorial be transmitted by the Secretary of State to the President of the United States Senate, the Speaker of the House of Representatives of the United States, to the Postmaster General of the United States, and to each Senator and Representative in Congress from the State of Washington."

A resolution of the House of Representatives of the State of Washington; to the Committee on Veterans' Affairs:

"HOUSE RESOLUTION NO. 73-26

"Whereas, Under present federal law, nonservice-connected pensions are coordinated with other benefits; and

"Whereas, In 1972 Social Security benefits were increased by twenty percent; and

"Whereas, All veterans and widows in receipt of a nonservice-connected pension from the Veterans' Administration have suffered a loss of pension, and in some cases have had such benefits terminated, because of the increase in Social Security benefits in 1972; and

"Whereas, Elderly single men have been especially harmed by the state of current laws;

"Now, therefore, be it resolved, That the House of Representatives requests the Senate and the House of Representatives of the United States to take the actions necessary to alleviate the current hardship of veterans and widows; and

"Be it further resolved, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the Senate and House of Representatives of the

United States and to each member of Congress from the State of Washington.

"Adopted February 27, 1973."

A joint resolution of the Legislature of the State of Wyoming; to the Committee on the Judiciary:

"JOINT RESOLUTION No. 2

"A joint resolution ratifying a proposed amendment to the Constitution of the United States of America relative to equal rights for men and women

"Whereas, The Congress of the United States has proposed an amendment to the Constitution of the United States to prohibit the denial or abridgment of equal rights under the law on account of sex; and

"Whereas, since July 10, 1890, when Wyoming was admitted as a State, secured to all the people of the State of Wyoming the civil, political and religious liberties and declared in Article 1, Section 2 of the Constitution of the State of Wyoming that 'In their inherent right to life, liberty and the pursuit of happiness, all members of the human race are equal'; and

"Whereas, the constitutional prohibition against discrimination on account of sex has been the touchstone of the laws of the State of Wyoming, Article 1, Section 3 of the Constitution of Wyoming proviidng that 'Since equality in the enjoyment of natural and civil rights is only made sure through political equality, the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatscever . . .'; and

"Whereas, the denial or abridgment of the rights of all the citizens of the State of Wyoming to hold office and to vote has been prohibited in the State of Wyoming since July 10, 1890 by Article 6, Section 1 of the Wyoming Constitution which provides that 'The rights of citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this state shall enjoy all civil, political and religious rights and privileges;' and

"Whereas, the right to an education for all the citizens of the State of Wyoming has been guaranteed by the Constitution of the State of Wyoming by Article 7, Section 10 which provides that 'In none of the public schools so established and maintained shall distinction or discrimination be made on account of sex, race or color' and by Article 7, Section 16 which requires that 'The university shall be equally open to students of both sexes, irrespective of race and color;' and

"Whereas, consonant with the sobriquet, 'The Equality State', the Legislature of the State of Wyoming encourages unqualified dedication to equal rights and responsibilities to all people of these United States; and

Whereas, the Ninety-Second Congress of the United States of America at its Second Session, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposal to amend the Constitution of the United States of America in the following words, to-wit;

" 'JOINT RESOLUTION

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress—

" 'ARTICLE —

" 'SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

" 'SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

" 'SEC. 3. This amendment shall take effect two years after the date of ratification.'

"Be it resolved by the Legislature of the State of Wyoming, a majority of all the members of the two houses, voting separately, concurring therein:

"Section 1. That the above proposed amendment to the Constitution of the United States of America is ratified by the Legislature of the State of Wyoming.

"Section 2. That certified copies of this Resolution be forwarded by the Governor of Wyoming to the Administrator of General Services, Washington, D.C., and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

Resolutions and orders adopted at the Eighteenth Annual Session of the North Atlantic Assembly; to the Committee on Foreign Relations.

A resolution adopted by the Monroe County Electric Cooperative, Inc., of Waterloo, Ill., relative to the recent discontinuance of the Rural Electrification Administration's direct loan program; to the Committee on Agriculture and Forestry.

A letter in the nature of a petition from the Grain Sorghum Producers Association, requesting Congress to initiate a national study of the cost of producing all agricultural commodities; to the Committee on Agriculture and Forestry.

A resolution adopted by the Cumberland Trace Chapter of the Retired Officers Association, Bowling Green, Ky., petitioning the President to issue a Presidential pardon to Lt. William Calley; to the Committee on Armed Services.

A resolution adopted by the Board of Supervisors, County of Sacramento, Calif., urging the U.S. Government to take action to release impounded funds with respect to community housing subsidies; to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the Poughkeepsie City Common Council, New York, petitioning the Government to reinstate the 312 Rehabilitation Loan program; to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the Board of Supervisors of the County of Sonoma, Calif., protesting the export of logs to foreign countries; to the Committee on Banking, Housing, and Urban Affairs.

A letter from the Common Council of the City of Poughkeepsie, N.Y., petitioning for the restoration of all cutbacks in projects funded by the Department of Housing and Urban Development; to the Committee on Banking, Housing and Urban Affairs.

A joint resolution adopted by the councils of the cities of Anchorage and Fairbanks, Alaska, petitioning the Congress and the Secretary of the Interior, to expedite the issuance of a pipeline construction permit for construction of an oil pipeline from Prudhoe Bay to Valdez, Alaska; to the Committee on Commerce.

A resolution adopted by the East Feliciana Parish Police Jury, Clinton, La., objecting to government aid for the rebuilding of North Vietnam; to the Committee on Foreign Relations.

A resolution adopted by the Avoyelles Parish Police Jury, Marksville, La., objecting to government aid for rebuilding of North Vietnam; to the Committee on Foreign Relations.

Two letters, in the nature of petitions from interested citizens, urging the passage of H.R. 643, to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements; to the Committee on Labor and Public Welfare.

A resolution adopted by the City Council of Stockton, Calif., supporting the efforts of the Community Action Council to maintain flow of Federal funds; to the Committee on Labor and Public Welfare.

A resolution adopted by the Council of the City of Akron, Ohio, petitioning the Congress to continue supporting programs of the Office of Economic Opportunity; to the Committee on Labor and Public Welfare.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 590. A bill to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate. Referred to the Committee on Armed Services for a period expiring not later than April 11, 1973.

## S. 590—MODIFICATION OF REFERENCE AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the previous agreement on the reference of S. 590 be modified so that the bill will be printed as approved by the Committee on Banking, Housing and Urban Affairs, and that it be referred to the Committee on Armed Services for the remainder of the 30 days, dating from March 12. which is in accordance with the previous unanimous-consent agreement.

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

## 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. MATHIAS:

S. 1243. A bill to permit the Capital Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. MATHIAS (for himself and Mr. BEALL):

S. 1244. A bill to authorize the conveyance of certain lands in the District of Columbia to the Greater Southeast Community Hospital Foundation, Inc. Referred to the Committee on the District of Columbia.

By Mr. MATHIAS (for himself and Mr. RIBICOFF):

S. 1245. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. Referred to the Committee on Finance.

By Mr. TALMADGE:

S. 1246. A bill to amend the Controlled Substances Act so as to increase the penalty with respect to the unlawful distribution of certain narcotic drugs by individuals determined to be a public menace. Referred to the Committee on the Judiciary.

By Mr. THURMOND:

S. 1247. A bill for the relief of Chi Hung Lai and his wife, Shuk King Lai. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 1248. A bill to authorize appropriations for the Department of State, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. CURTIS (for himself, Mr. BAKER, Mr. EASTLAND, Mr. GOLDWATER, Mr. HRUSKA, Mr. DOLE, Mr. BROCK, and Mr. THURMOND):

S. 1249. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BAKER (for himself and Mr. BROCK):

S. 1250. A bill to create a special tariff provision for imported glycerine and related products. Referred to the Committee on Finance.

By Mr. TOWER (for himself, Mr. BELLMON, and Mr. BARTLETT):

S. 1251. A bill to amend the Agricultural Act of 1970. Referred to the Committee on Agriculture and Forestry.

By Mr. BAYH:

S. 1252. A bill to amend the Controlled Substances Act to establish effective controls, including production quotas, stricter distribution and storage security and more stringent import and export standards, against diversion and abuse of methaqualone, by placing this depressant substance on schedule II of such act. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. COOK, and Mr. Moss):

S. 1253. A bill to authorize the merger of two or more professional basketball leagues, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1254. A bill for the relief of Miss Madelaina Lai. Referred to the Committee on the Judiciary.

By Mr. MUSKIE (for himself, Mr. PERCY, Mr. MATHIAS, Mr. BAYH, Mr. HUMPHREY, Mr. METCALF, Mr. RIBICOFF, and Mr. TUNNEY):

S. 1255. A bill to provide for a program of assistance to State governments in reforming their real property tax laws and providing relief from real property taxes for low-income individuals, and for other purposes. Referred to the Committee on Government Operations.

By Mr. SPARKMAN (for himself and Mr. TOWER) (by request):

S. 1256. A bill to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividends is paid, and for other purposes; and

S. 1257. A bill to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CHILES:

S. 1258. A bill to establish the Fort Zachary Taylor National Historic Site, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1259. A bill for the relief of the estate of Russell J. Davis. Referred to the Committee on the Judiciary.

By Mr. PELL (for himself and Mr. PASTORE):

S. 1260. A bill to provide that daylight saving time shall be observed on a year-round basis. Referred to the Committee on Commerce.

By Mr. MOSS (for himself and Mr. BENNETT, Mr. HANSEN, and Mr. MCGEE):

S. 1261. A bill to facilitate the incorporation of the reclamation townsite of Page, Ariz., Glen Canyon unit, Colorado River storage project, as a municipality under the laws of the State of Arizona, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. PELL (for himself, Mr. MAGNUSON, Mr. PASTORE, and Mr. HOLLINGS):

S. 1262. A bill to extend and make technical corrections to the National Sea Grant College and Program Act of 1966, as amended. Referred to the Committees on Labor and Public Welfare and Commerce, jointly, by unanimous consent.

By Mr. SYMINGTON (for Mr. STENNIS and Mr. THURMOND) (by request):

S. 1263. A bill to authorize appropriations during the fiscal year 1974 for 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 for other purposes. Referred to the Committee on Armed Services.

By Mr. JAVITS (for himself, Mr. TOWER, Mr. BENTSEN, and Mr. PASTORE):

S. 1264. A bill to authorize and direct the Secretary of the Treasury to make grants to Eisenhower College, in Seneca Falls, N.Y., out of proceeds from the sale of silver dollar coins bearing the likeness of the late President of the United States, Dwight David Eisenhower. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. STEVENSON (for himself and Mr. HART, Mr. PROXMIRE, Mr. PERCY, Mr. HARTKE, Mr. JAVITS, Mr. TAFT, Mr. SCHWEIKER, Mr. INOUYE, Mr. NELSON, Mr. BAYH, and Mr. HUMPHREY):

S. 1265. A bill to amend the Coastal Zone Management Act of 1972 for the purpose of determining the causes and means of preventing shoreline erosion;

S. 1266. A bill to amend 33 U.S.C. 426 for the purpose of authorizing the Army Corps of Engineers to undertake emergency erosion control projects;

S. 1267. A bill to amend the Disaster Relief Act of 1970 for the purpose of making clear that disaster assistance is available to those communities affected by extraordinary shoreline erosion damage; and

S. 1268. A bill to amend 33 U.S.C. 426 for the purpose of providing the right of reimbursement to local interests for undertaking repair of shore damages attributable to Federal navigation works pursuant to section 426i. Referred to the Committee on Public Works.

By Mr. KENNEDY (for himself, Mr. MAGNUSON, Mr. HOLLINGS, and Mr. HATHAWAY):

S. 1269. A bill to amend the Northwest Atlantic Fisheries Act of 1950 with respect to the payment of certain expenses of members of the advisory committee appointed pursuant to such act. Referred to the Committee on Commerce.

By Mr. TUNNEY:

S. 1270. A bill to establish in the State of California the Santa Monica Mountain and Seashore National Urban Park. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY (for himself, Mr. BAKER, Mr. BIBLE, Mr. BROCK, Mr. GRAVEL, Mr. HART, Mr. HATHAWAY, Mr. MATHIAS, Mr. MONDALE, Mr. MOSS, Mr. STEVENSON, Mr. THURMOND, Mr. TUNNEY, and Mr. WILLIAMS):

S. 1271. A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local and State levels of government. Referred to the Committee on Labor and Public Welfare.

By Mr. BENTSEN:

S.J. Res. 78. Joint resolution to authorize the President to designate the period beginning April 15, 1973, as "National Clean Water Week". Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATHIAS (for himself and Mr. BEALL):

S. 1244. A bill to authorize the conveyance of certain lands in the District of Columbia to the Greater Southeast Community Hospital Foundation, Inc. Referred to the Committee on the District of Columbia.

CAFRITZ LAND LEGISLATION

Mr. MATHIAS. Mr. President, today I am introducing a bill to authorize the conveyance of certain lands in the District of Columbia to the Greater Southeast Community Hospital Foundation, Inc.

The Morris Cafritz Memorial Hospital, a 418-bed, community, nonprofit medical center, is located on the District of Columbia-Maryland State boundary. Its primary service area is the Southeast Washington, D.C., and Maryland's Prince Georges County election districts 6 and 12. Its secondary service area is Prince Georges County election districts 5, 9, and 18.

In 1970, the census revealed 104,000 Washingtonians and over 210,000 residents of Prince Georges County in this area.

PATIENT ORIGIN FOR 1969 THROUGH 1971

| | Discharges— | | | | | |
|---|---|---|---|---|---|---|
| | 1971 | | 1970 | | 1969 | |
| | Number | Percent | Number | Percent | Number | Percent |
| District of Columbia | 6,713 | 34.9 | 6,106 | 33.6 | 4,990 | 29.5 |
| Prince Georges County, Md. | 10,416 | 54.0 | 10,286 | 56.6 | 10,399 | 61.5 |
| Other Maryland | 1,713 | 8.9 | 1,350 | 7.4 | 1,091 | 6.5 |
| Other | 418 | 2.2 | 427 | 2.4 | 429 | 2.5 |
| Total | 19,260 | 100 | 18,169 | 100 | 16,909 | 100 |

Note: In 1972, 157,905 adults and 11,702 newborn were hospitalized here. The adult occupancy rate was 96 percent.

An additional 67,775 outpatient visits to the emergency room were made in 1972. Of the 31 non-Federal hospitals in the Washington Metropolitan area, the Cafritz emergency room staff treated more than all the other hospitals except District of Columbia General and Prince Georges County General Hospitals.

Since it opened in 1966, the statistics have been impressive—more than 100,000 patients cared for, and almost 270,000 treated in the emergency room.

The community or service area of the hospital covers two semicircles with a 3-mile radius from the hospital in the District of Columbia, and a 5-mile radius in Prince Georges County. Its natural boundaries are the Anacostia and Potomac Rivers, with a population corridor extending down the Indian Head Highway.

The Cafritz community has a young

population—average age, 23 in the District of Columbia, and 26 in Prince Georges County—which means a young population, more acute illness and less chronic disease. It indicates a high percentage of young families who probably do not yet have a family physician.

The critical need for the expansion of Cafritz' facilities is reflected in the population growth of their service area. Population in the southeast area of the District increased 22½ percent between 1960 and 1970, while Prince Georges County population increased 449 percent in the same period.

Cafritz analyses its service area as young, changing, growing, not too affluent, and definitely in need of high quality, reasonably priced, easily accessible, well-managed health services.

That is a big order, and nobody knows better than the people at Cafritz how much more needs to be done. These are some of the things it considers necessary to provide the comprehensive health care it sees as its responsibility.

First. Increased emergency and support facilities.

Second. Addition of an ambulatory care center.

Third. More physicians attracted to its service area.

Fourth. Additional beds.

1. INCREASED EMERGENCY AND SUPPORT FACILITIES

The Cafritz emergency room staff sees well over 200 patients each day—over four times the number the space was designed to serve, and a 300-percent increase in the 5 years between 1967 and 1972. Unlike most hospitals, the complexities of emergency care are in the hands of fully qualified physicians who run the emergency room in lieu of private practice. The treatment is first rate but the 75,000 persons who crowded its waiting and treatment rooms in 1972 often experienced delays and frustration because the physical facilities were not designed for the great number who required emergency care. With more young families moving in and fewer family physicians to care for them, the demand for service will continue to grow. Also required will be expansion of existing support facilities such as laboratory, X-ray, and operating rooms.

2. ADDITION OF AN AMBULATORY CARE CENTER

The hospital recognizes its responsibility to provide preventive care as well as treatment for the sick and injured. However, the hospital has no room to provide continuing care for the many families in the community who are without private physicians. This means that all emergency patients needing follow-up care must be sent elsewhere—often at great inconvenience to the patient and his family. Cafritz needs an ambulatory care center where families may be kept well—or treated for illnesses that do not require hospitalization. Fully two-thirds of the patients in the emergency room could be treated faster, better, and far more economically in an out-patient setting.

3. MORE PHYSICIANS ATTRACTED TO THE SERVICE AREA

While construction of Cafritz did much to bring physicians into the area, the southeast still experiences a shortage. The United States as a whole has 172 physicians per 100,000 population. The District of Columbia as a whole does better than that with 197 per 100,000 population. By contrast, the District of Columbia service area served by Cafritz has only 33 per 100,000 and the Prince Georges County service area has only 60 per 100,000—both far under what is available to others in the District of Columbia area. Cafritz has helped bring doctors to the area by making it a requirement for obtaining privileges that the doctor have either a primary or secondary office in the service area.

The hospital proposes construction of a 5-story doctors' office building adjacent to the present hospital, providing a convenient location for physicians to see patients from the community.

4. ADDITIONAL BEDS

Unlike most hospitals in the District, Cafritz is not experiencing a drop in the number of patients. Its occupancy rate is 10 percent higher than the 85 percent considered optimum by the American Hospital Association, thereby affecting its capability for responding to peak loads and emergency. In 1972, 7,500 or about 35 percent of its patients were admitted through the emergency room. Many a morning finds some patients in a special observation area waiting for other patients to be discharged.

While room is found somehow for all emergency admissions, elective admissions—those which can be deferred for a time without danger to the patient—are often canceled at the last moment. This is a great hardship for the patient who had made up his mind to get it over with and who suddenly finds himself facing a delay of days or weeks.

With additional admissions predicted from an expanded emergency facility and the addition of an ambulatory care center, more beds will clearly be needed.

I believe the facts that I have cited argue convincingly for the critical need to expand the facilities at Cafritz. While I understand that the in-depth planning for the enlargement of Cafritz' facilities has been completed, it is obvious that we must first secure the additional land that will be required for this expansion.

While I am keenly aware of the need for preserving and adding as many park and recreational facilities as possible, particularly in our urban areas, I also recognize that the provision of adequate comprehensive health care is a basic requisite for a happy and meaningful life for our urban citizens. It is for this overriding reason that today I am introducing a bill which will transfer from the National Park Service approximately 8 acres immediately adjacent to the existing hospital for the expansion of the Cafritz facilities.

In closing I must point out that there is great urgency for this legislation. This urgency is found not only in the overcrowded facilities that exist today, but is greatly magnified when you consider that it will require a minimum of 3 years to construct the additional facilities after this legislation is passed.

By Mr. MATHIAS (for himself and Mr. RIBICOFF):

S. 1245. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. Referred to the Committee on Finance.

THE INTERSTATE TAXATION ACT

Mr. MATHIAS. Mr. President, I am introducing the Interstate Taxation Act of 1973. I am pleased that the senior Senator from Connecticut (Mr. RIBICOFF) is joining me in this effort. Our bill is a revised version of legislation that we introduced in the 92d Congress, and prior legislation that I introduced in the 91st Congress as a Member of the Senate and even prior to that time during my service in the House of Representatives.

On October 11, 1972, I introduced S. 4080, a version of this legislation which made major concessions to the States and localities which have opposed earlier versions and asked for comments after it had been studied by those who would be affected by its provisions. I have received many such comments, and the bill I am introducing today contains revisions reflecting some of these suggestions.

The Interstate Taxation Act has the support of a substantial segment of the business community. I have received the expert help of tax technicians drawn from the National Association of Manufacturers, Council of State Chambers of Commerce, the National Association of Wholesalers-Distributors, and other organizations. This bill also has the endorsement of many other single product or service business associations.

The revisions are primarily in the direction of additional concessions to the States and localities. Perhaps the major change from S. 4080 involves a major simplification of the provision relating to consolidated returns and combined reporting.

As did S. 4080, this new version embodies some of the concepts, particularly those relating to sales and use taxes of S. 3333 introduced in the 92d Congress by the chairman of the Committee on Commerce, the distinguished senior Senator from Washington (Mr. MAGNUSON).

Mr. President, in both the 90th and 91st Congress, the House passed by overwhelming majorities State taxation legislation similar in its thrusts to that which I am introducing today. Since that time, the workload of the Committee on Finance has been such that it has not even been able to hold public hearings on the subject. I am most pleased that the chairman of the Committee on Finance, the distinguished senior Senator from Louisiana (Mr. LONG) told the Louisiana Association of Tax Administrators late last year that—

> It is likely that time can be found in 1973 to undertake . . . public hearings.

I am also pleased that the committee has created a subcommittee to deal with pressing problems such as that addressed by the Interstate Taxation Act of 1973. The subcommittee, the Subcommittee on State Taxation of Interstate Commerce, is chaired by the distinguished Senator

from Minnesota (Mr. MONDALE) and is privileged to have the Senator from Wyoming (Mr. HANSEN) as the ranking minority member.

Mr. President, as I have indicated on past occasions, now that we have accomplished a fundamental and far-reaching change in Federal-State fiscal relationships, it becomes even more urgent that we turn our attention to legislation designed to bring order into the present chaotic system of taxing interstate commerce by State and local governments. We expect the States and localities to be responsible in their use of Federal revenue-sharing funds, but we must also ask that they act responsibly in breaking down tax barriers that impede the free flow of commerce between the 50 States. I am particularly pleased that the distinguished chairman of the Committee on Finance (Mr. LONG) in the speech I just referred to indicated that with the enactment of the revenue-sharing bill, Public Law 92-512—

The arguments against an interstate tax bill of some sort have been weakened.

The Interstate Taxation Act of 1973 has substantial support in the business and industrial community. It meets many of the earlier objections of the States, and I believe provides an adequate base along with other State taxation bills certain to be introduced for the earliest possible consideration by the Committee on Finance.

I urge the distinguished chairman of the Subcommittee of State Taxation of Interstate Commerce to schedule public hearings as soon as possible, hopefully before the Committee on Finance is confronted with major legislation coming from the House.

Mr. President, I ask unanimous consent that a copy and explanation of my bill be printed in the RECORD at this point.

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

S. 1245

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act be cited as the "Interstate Taxation Act of 1973."

TITLE I—JURISDICTION TO TAX

SEC. 101. UNIFORM JURISDICTIONAL STANDARD.

No State or political subdivision thereof shall have power—

(1) to impose a net income tax or a capital stock tax on a corporation other than an excluded corporation unless the corporation has a business location in the State or political subdivision during the taxable year;

(2) to impose a gross receipts tax with respect to a sale of tangible personal property unless the seller has a business location in the State or political subdivision;

(3) to require a person to collect and remit a sales or use tax with respect to an interstate sale of tangible personal property unless the person—

(A) has a business location in the State or political subdivision; or

(B) regularly makes household deliveries in the State or political subdivision other than by common carrier or United States Postal Service; or

(C) regularly engages in the State or political subdivision in solicitation of orders for the sale of tangible personal property by means of salesmen, solicitors, or representatives (unless such solicitation of orders is carried on solely by direct mail or advertising by means of printed periodicals, radio, or television); or

(4) to require a seller without a business location in the State to collect or pay a sales or use tax when such seller has obtained in writing the buyer's registration number in accordance with section 304.

An advance payment of a sales or use tax to a seller as agent for a State made by purchaser of tangible personal property for resale shall not constitute a sales or use tax for purposes of this Act if credit for the advance payment is allowed in determining sales tax liability of the purchaser under statutory provisions in effect in any State prior to January 1, 1973. A State or political subdivision shall have power to impose a corporate net income tax or capital stock tax, or a gross receipts tax with respect to a sale of tangible personal property or to require seller collection of a sales or use tax with respect to an interstate sale of tangible personal property, subject to the limitations of section 306, if it is not denied the power to do so under the Constitution of the United States and this or other Federal statute.

TITLE II—MAXIMUM INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

SEC. 201. OPTIONAL THREE-FACTOR FORMULA.

A State or a political subdivision thereof may not impose on a corporation with a business location in more than one State, other than an excluded corporation, a net income tax (or capital stock tax) measured by an amount of net income (or capital) in excess of the amount determined by multiplying the corporation's base by an apportionment fraction which is the average of the corporation's property, payroll, and sales factors for the State or political subdivision thereof for the taxable year plus, in the case of a tax measured by income, the amount of income allocable to the State or political subdivision thereof for the taxable year. For this purpose the base to which the apportionment fraction is applied shall be the corporation's apportionable income as defined in this Act for the taxable year (or its entire capital, reduced by investments in and advancements to subsidiary and affiliated corporations, as determined under State law for the valuation date at or after the close of that taxable year).

SEC. 202. PROPERTY FACTOR.

(a) IN GENERAL.—A corporation's property factor for any State is a fraction, the numerator of which is the average value of the corporation's real and tangible personal property owned and used or rented and used in that State and the denominator of which is the average value of all of the corporation's real and tangible personal property owned and used or rented and used during the taxable year and located within the United States.

(b) STANDARDS FOR VALUING PROPERTY IN PROPERTY FACTOR.—

(1) OWNED PROPERTY.—Property owned by the corporation shall be valued at its original cost.

(2) RENTED PROPERTY.—Property rented to the corporation shall be valued at eight times the net rents payable by the corporation during the taxable year. Net rent is the gross rent payable by the corporation less rent received by the corporation from subrentals.

(c) AVERAGING OF PROPERTY VALUES.—The average value of the corporation's property shall be determined by averaging values at the beginning and ending of the taxable year; except that values shall be averaged on a semiannual, quarterly, or monthly basis if reasonably required to reflect properly the location of the corporation's property during the taxable year.

SEC. 203. PAYROLL FACTOR.

(a) IN GENERAL.—A corporation's payroll factor for any State is a fraction, the numerator of which is the amount of wages paid by the corporation to employees located in that State and the denominator of which is the total amount of wages paid by the corporation to all employees located within the United States during the taxable year.

(b) PAYROLL INCLUDED.—The corporation's payroll factor shall include all wages paid by the corporation during the taxable year to its employees, except that there shall be excluded from the factor any amount of wages paid to a retired employee.

(c) DEFINITION OF WAGES.—The term "wages" means wages as defined for purposes of the Federal Unemployment Tax Act in section 3306(b) of the Internal Revenue Code of 1954.

SEC. 204. SALES FACTOR.

(a) IN GENERAL.—A corporation's sales factor for any State is a fraction, the numerator of which is the total sales of the taxpayer in the State during the taxable year and the denominator of which is the total sales of the taxpayer within the United States during the taxable year.

(b) SALES INCLUDED.—

(1) Sales of tangible personal property are in the State if such property is received in the State by the purchaser. In the case of delivery of tangible personal property by common carrier or by other means of transportation, the place at which such property is ultimately received after all transportation has been completed shall be considered as the place at which such property is received by the purchaser. Direct delivery in the State, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in the State and direct delivery outside the State to a person or firm designated by a purchaser does not constitute delivery to the purchaser in the State, regardless of where title passes or other conditions of sale.

(2) Sales, other than sales of tangible personal property, are in the State if—

(A) the income-producing activity is performed in the State, or

(B) the income-producing activity is performed both in and outside that State and a greater proportion of the income-producing activity is performed in that State than in any other State, based on costs of performance.

(3) Sales shall include receipts from the rental of tangible personal property, and such receipts shall be considered to be in the State in which the property is located.

SEC. 205. ZERO DENOMINATORS.

If the denominator of any factor is zero, then the other factors shall be used as the apportionment fraction for each State and political subdivision. If the denominators of all factors are zero, then the apportionment fraction for the State where the corporation has its business location shall be 100 percent.

SEC. 206. LOCAL TAXES.

The maximum percentage of net income (or capital) of a corporation attributable to a political subdivision for tax purposes shall be determined under this title in the same manner as though the political subdivision were a State; except that the denominators of the corporation's property, payroll, and sales factors shall be the denominators applicable to all States and political subdivision. For this purpose the numerators of the corporation's property, payroll, and sales factors shall be determined by treating every reference to location in a State as a reference to location in the political subdivision.

SEC. 207. APPORTIONABLE INCOME

(a) Apportionable Income—Apportionable income means taxable income as determined under State law, except there shall be excluded—

(1) income from sources without the United States provided that all expenses, losses and other deductions are properly ap-

portioned or allocated thereto in accordance with Section 862(b) of the Internal Revenue Code, and

(2) dividends.

However, dividend income shall be treated as apportionable income if the taxpayer's principal business activity is dealing in securities. No State shall, because of the exclusions of this section, make any offsetting adjustment of an otherwise allowable deduction. Apportionable income of a taxpayer shall not include or be measured by all or any part of the income of any other corporation except as provided in section 209 of this Act.

(b) Adjustment of Apportionment Factors—If apportionable income includes income derived from the sales of tangible personal property, the ultimate destination of which is outside the United States, either the taxpayer or the State may adjust denominators of the factors described in sections 202 through 204 of this Act to include payrolls, sales, and property attributable to such sales.

SEC. 208. ALLOCABLE INCOME—DIVIDENDS.

Dividends, other than dividends which constitute income from sources outside the United States, received from corporations in which the taxpayer owns less than 50 percent of the voting stock are allocable to the State of commercial domicile of such taxpayer. Dividends which constitute income from sources without the United States as defined by the Internal Revenue Code of 1954, as amended, and dividends received from corporations in which the taxpayer owns 50 percent or more of the voting stock shall not be allocable to any State.

SEC. 209. CONSOLIDATED APPORTIONABLE INCOME.

(a) CONSOLIDATED APPORTIONABLE INCOME.—Except as provided by subsection (b) if either a State or a taxpayer establishes that a taxpayer has engaged in non-arm's-length transactions, as defined in section 507, which cause a material distortion of income apportioned to the State the State may require or the taxpayer may elect to determine apportionable income by reference to the consolidated apportionable income and apportionment factors of all parties to the non-arm's-length transactions. In no event shall this section be construed to alter the effect of the provisions of this Act relating to allocable income. For purposes of this Act, consolidated apportionable income is the sum of the apportionable income of all corporations consolidated with all intercorporate transactions eliminated.

(b) ADJUSTMENT OF INCOME.—A State or political subdivision thereof may not require a corporation with a business location in the State or political subdivision to combine or consolidate, for the purpose of determining or measuring any tax, its gross receipts, income, capital, or net worth with the gross receipts, income, capital, or net worth of the following:

(1) a corporation which is incorporated outside the United States,

(2) any corporation, 50 percent or more of the ordinary gross income of which is excludable under section 207(a)(1) of this Act, or

(3) excluded corporations.

However, a State or political subdivision may, upon a specific finding, adjust the income of a corporation to correct any transaction with any other party consummated in the manner of a non-arm's-length transaction.

(c) PERMITTED CONSOLIDATED INCOME.—Nothing contained herein shall prevent any State from permitting by statute or otherwise one or more affiliated companies as defined in section 508 to elect to file a return based on consolidated income.

## TITLE III—SALES AND USE TAXES

SEC. 301. REDUCTION OF MULTIPLE TAXATION.

(a) LOCATION OF SALES.—A State or political subdivision thereof may impose a sales or use tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

(1) in that State, or

(2) in a contiguous State or political subdivision of a contiguous State for which the tax is required to be collected under reciprocal collection agreements.

(b) CREDIT FOR PRIOR TAXES.—The amount of any use tax imposed with respect to tangible personal property shall be reduced by the amount of any sales or use tax previously incurred and paid by a person with respect to the property on account of liability to another State or political subdivision thereof.

(c) REFUND.—A person who pays a use tax imposed with respect to tangible personal property shall be entitled to a refund from the State or political subdivision thereof imposing the tax, up to the amount of the tax so paid, for any sales or use tax subsequently paid with respect to the same property on account of prior liability to another State or political subdivision thereof. For purposes of this subsection, the person seeking the refund from a State or political subdivision imposing the tax shall apply for the refund within one year from the date of payment of the sales or use tax to such other State or political subdivision.

(d) LIMITATION ON CREDIT FOR PRIOR TAXES.—A credit or refund otherwise permitted under subsections (b) and (c) shall not be allowed with respect to taxes which are measured by periodic payments made under lease to the extent that the taxes imposed by the other State or political subdivision thereof were also measured by periodic payments made under a lease for a period prior to the possession, storage, use, or other consumption of the property in the State or political subdivision thereof imposing the tax.

(e) VEHICLES AND MOTOR FUELS.—

(1) VEHICLES.—Nothing in subsection (a) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to vehicles that are registered in the State.

(2) FUELS.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

SEC. 302. EXEMPTIONS FOR HOUSEHOLD GOODS, INCLUDING VEHICLES, IN THE CASE OF PERSONS WHO ESTABLISH RESIDENCE.

No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, including motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired and used by that person 90 days or more before use of the property in the State in which he establishes such residence.

SEC. 303. TREATMENT OF TRANSPORTATION CHARGES WITH RESPECT TO INTERSTATE SALES.

Where the freight charges or other charges for transporting tangible personal property from the seller or supplier directly to the purchaser incidental to an interstate sale are separately stated in writing by the seller to the purchaser, to the extent that such charges do not exceed a reasonable charge for transportation by facilities of the seller or the charge for the transportation by the carrier when the transportation is by other than the seller's facilities, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with respect to the sale or use of the property.

SEC. 304. REGISTRATION PROCEDURE.

A person with a business location in a State and purchasing goods in interstate commerce must obtain a registration number from that State. Persons without a business location in the State may rely upon such registration, as evidenced by receiving the registration number from the buyer, in writing, as conclusive authority for not charging and collecting a sales or use tax.

SEC. 305. LIABILITY OF SELLERS ON EXEMPT SALES.

No seller shall be liable for the collection or payment of a sales or use tax with respect to an interstate sale of tangible personal property if the purchaser of such property furnishes or has furnished to the seller a certificate or other written form of evidence indicating the basis for exemption, or the reason the seller is not required to pay or collect the tax. Any such certificate or writing shall give the name and address of the purchaser, his registration number, if any, and shall be signed by the purchaser or his representative.

SEC. 306. LOCAL SALES AND USE TAXES.

(a) LIMITATION OF SELLER COLLECTION.—Notwithstanding the provisions of section 101(3)(C), no seller shall be required by a State or political subdivision thereof—

(1) to collect a sales or use tax on a political subdivision with respect to interstate sales, or

(2) to classify interstate sales for sales or use tax purposes according to geographic areas of the State in any manner,

except with respect to those interstate sales with destinations in political subdivisions in which the seller has a business location, or regularly makes deliveries other than by common carrier or United States Postal Service.

(b) LOCAL TAXES TREATED AS STATE TAXES.—Notwithstanding the limitations in subsection (a), to the extent that State and any local sales and use taxes are imposed in all geographic areas of a State upon like transactions at the same combined State and local rate, are administered by the State, and are otherwise applied uniformly so that the seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales or use taxes, whether imposed by the State or by political subdivisions, shall be treated as State taxes for the purposes of this Act.

## TITLE IV—JURISDICTION OF FEDERAL COURTS

SEC. 401. JUDICIAL REVIEW.

Notwithstanding section 1251(a) of title 28, United States Code, the United States Court of Claims shall have jurisdiction to review de novo any issues relating to a dispute arising under this Act or under Public Law 86–272, as amended. Within 90 days of the decision of a State administrative body from which the only appeal is to a court, any party to the determination may petition the Court of Claims for a review de novo of any such issues. The findings of fact by the State administrative body shall be considered with other evidence of the facts. The judgment of the Court of Claims shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code, as amended.

SEC. 402. EFFECT OF FEDERAL DETERMINATION.

The determination of a dispute arising hereunder by the Court of Claims shall be binding for the taxable years involved on any State given notice or appearing as a party, notwithstanding any prior determinations of the courts or administrative bodies of that State completed after notice to that State. No statute of limiations shall bar the right of a State or a corporation to an amount of tax increased or decreased in accordance with the determination, provided action is begun within one year after the determination has become final.

## TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

### PART A—DEFINITIONS

SEC. 501. NET INCOME TAX.

A "net income tax" is a tax which is imposed on or measured by net income, including any tax which is imposed on or measured by an amount arrived at by deducting from gross income expenses one or more forms of which are not specifically and directly related to particular transactions.

SEC. 502. GROSS RECEIPTS TAX.

A "gross receipts tax" is any tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax a net income tax.

SEC. 503. CAPITAL STOCK TAX; CAPITAL ACCOUNT TAX.

(a) CAPITAL STOCK TAX.—A "capital stock tax" is any tax measured in any way by the capital of a corporation.

(b) CAPITAL ACCOUNT TAX.—A "capital account tax" is any capital stock tax measured by number of shares, par or nominal value of shares, paid-in capital, or the like, not including any tax the measure of which includes any element of earned surplus.

SEC. 504. SALES TAX.

A "sales tax" is any tax imposed with respect to sales, and measured by the sales price of tangible personal property or services with respect thereto, which is required by State law to be stated separately from the sales price by the seller, or which is customarily stated separately from the sales price.

SEC. 505. USE TAX.

A "use tax" is any nonrecurring tax, other than a sales tax, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

SEC. 506. EXCLUDED CORPORATION.

An "excluded corporation" is any of the following:

(1) Any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, small loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, any type of insurance company, or any corporation which derives 90 percent or more of its gross income from interest (including discount).

(2) Any corporation more than 50 percent of the ordinary gross income of which for the taxable year is derived from regularly carrying on any one or more of the following business activities:

(A) the transportation for hire of property or passengers, including the rendering by the transporter of services incidental to such transportation; or

(B) the sale of electrical energy, gas, or water.

SEC. 507. ARM'S-LENGTH AND NON-ARM'S-LENGTH TRANSACTIONS

An arm's-length transaction is a transaction between two or more affiliated corporations consummated at a consideration in an amount which would have been charged in an independent transaction between two or more unrelated corporations under similar circumstances considering all relevant facts. A non-arm's-length transaction is a transaction between two or more affiliated corporations consummated at a consideration in an amount which is more or less than the amount that would have been charged in an independent transaction between two or more unrelated corporations under similar circumstances considering all relevant facts

SEC. 508. AFFILIATED CORPORATIONS.

Two or more corporations are "affiliated" if they are not excluded corporations as defined in section 506 and are members of the same group comprised of one or more corporate members connected through stock ownership with a common owner, which may be either corporate or noncorporate, in the following manner:

(1) 50 percent or more of the voting stock of each member other than the common owner is owned directy by one or more of the other members; and

(2) 50 percent or more of the voting stock of at east one of the members other than the common owner is owned directy by the common owner.

SEC. 509. ORDINARY GROSS INCOME.

The term "ordinary gross income" means gross income as determined for the taxable year under the applicable provisions of the Internal Revenue Code of 1954, except that there shall be excluded therefrom—

(1) all gains and losses from the sale or other disposition of capital assets, and

(2) all gains and losses from the sale or other disposition of property of a character described in section 1231(b) of the Internal Revenue Code of 1954 (determined without regard to holding period).

SEC. 510. SALE.

For the purposes of Title III, the term "sale" shall be deemed to include leases and rental payments under leases.

SEC. 511. INTERSTATE SALE.

An "interstate sale" is a sale in which the tangible personal property sold is shipped or delivered to the purchaser in the State from a point outside that State.

SEC. 512. DESTINATION.

The destination of a sale is in the State or political subdivision in which possession of the property is physically transferred to the purchaser, or to which the property is shipped by the seller to the purchaser, regardless of the free on board point or other conditions of the sale.

SEC. 513. BUSINESS LOCATION.

A person shall be considered to have a business location within a State only if that person—

(1) owns or leases real property within the State,

(2) has one or more employees located in the State,

(3) regularly maintains a stock of tangible personal property in the State for sale in the ordinary course of his business, or

(4) regularly leases to others tangible personal property for use in the State.

For the purpose of paragraph (3), property which is on consignment in the hands of a consignee, and which is offered for sale by the consignee on his own account, shall not be considered as stock maintained by the consignor. If a person has a business location in a State solely by reason of paragraph (4), he shall be considered to have a business location in the State only with respect to such leased property.

SEC. 514. LOCATION OF PROPERTY.

(a) GENERAL RULE.—Except as otherwise provided in this section, property shall be considered to be located in a State if it is physicaly present in that State.

(b) MOVING PROPERTY.—Personal property which is characteristically moving property, such as motor vehicles, rolling stock, aircraft, vessels mobile equipment, and the like, shall be considered to be located in a State if—

(1) the operation of the property is localized in that State or

(2) the operation of the property is not localized in any State but the principal base of operations from which the property is regularly sent out is in that State.

If the operation of the property is not localized in any State and there is no principal base of operations in any State from which the property is regularly sent out, the property shall not be considered to be located in any State for purposes of inclusion in either the numerator or the denominator of the property factor.

(c) MEANING OF TERMS.—

(1) LOCALIZATION OF OPERATIONS.—The operation of property shall be considered to be localized in a State if during the taxable year it is operated entirely within that State, or it is operated both within and without the State is—

(A) occasional,

(B) incidental to its use in the transportation of property or passengers from points within the State, or

(C) incidental to its use in the production, construction, or maintenance of other property located within the State.

(2) BASE OF OPERATIONS.—The term "base of operations", with respect to a corporation's moving property means the premises at which any such property is regularly maintained by the corporation or by some other person; except that if the premises are maintained by an employee of the corporation primarily as a dwelling place they shall not be considered to constitute a base of operations.

SEC. 515. LOCATION OF EMPLOYEE.

(a) IN GENERAL.—An employee shall be considered to be located in a State if—

(1) the employee's service is performed entirely within the State;

(2) the employee's service is performed both within and without the State, but the service performed without the State is incidental to the employee's service within the State; or

(3) some of the service is performed in the State and—

(A) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the State; or

(B) the base of operations or the place from which the service is directed or controlled is not in any State in which some part of the service is performed, but the employee's residence is in the State.

(b) EMPLOYEE.—The term "employee" has the same meaning as it has for purposes of Federal income tax withholding under chapter 24 of the Internal Revenue Code of 1954, as amended.

(c) CONTINUATION OF MINIMUM JURISDICTIONAL STANDARD.—An employee shall not be considered to be located in a State if his only business activities within such State on behalf of his employer are any of the following:

(1) The solicitation of orders, for sales of tangible personal property, which are sent outside the State for approval or rejection and (if approved) are filled by shipment or delivery from a point outside the State.

(2) The solicitation of orders in the name of or for the benefit of a prospective customer of his employer, if orders by such customer to such employer to enable such customer to fill orders resulting from such solicitation are orders described in paragraph (1).

(3) The installing or repairing of tangible personal property which is the subject of interstate sale by the employer, if such installing or repairing is incidental to the sale. This subsection shall not apply with respect to business activities carried on by one or more employees within a State if the employer (without regard to those employees) has a business location in such State.

SEC. 516. STATE.

The term "State" means the several States of the United States and the District of Columbia.

SEC. 517. STATE LAW.

References in this Act to "State law", "the laws of the State", and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decisions, and administrative regulations and rulings of a State and of any political subdivision.

SEC. 518. TAXABLE YEAR.

A corporation's "taxable year" is the calendar year, fiscal year, or other period upon the basis of which its taxable income is computed for purposes of the Federal income tax.

SEC. 519. COMMERCIAL DOMICILE.

"Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

SEC. 520. DIVIDENDS.

"Dividends" shall have the same meaning as that term has under the Internal Revenue Code of 1954, as amended, including any sum treated as a dividend under section 78 of such Code.

SEC. 521. UNITED STATES.

The term "United States" wherever used in this Act shall include only the States and the District of Columbia.

SEC. 522. INCOME FROM SOURCES WITHOUT THE UNITED STATES.

Income from sources without the United States means income from sources without the United States as defined by the Internal Revenue Code of 1954, as amended, except that section 638 of such Code shall not apply.

SEC. 523. PERSON.

The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

SEC. 524. TAXPAYER.

The term "taxpayer" means any person subject to a tax under the applicable State law.

PART B—MISCELLANEOUS PROVISIONS

SEC. 525. PERMISSIBLE FRANCHISE TAXES.

The fact that a tax to which this Act applies is imposed by a State or political subdivision thereof in the form of a franchise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

SEC. 526. PROHIBITION AGAINST GEOGRAPHICAL DISCRIMINATION.

(a) IN GENERAL.—No provisions of State law shall make any person liable for a greater amount of sales or use tax with respect to tangible personal property, by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State. For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer of a person (including an agency of a State or local government) receiving payments to the taxpayer.

(b) COMPUTATION OF TAX LIABILITY UNDER DISCRIMINATORY LAWS.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would provide under State law if the occurrence in question were within the taxing State.

SEC. 527. APPLICABILITY OF ACT.

Nothing in this Act shall be considered—

(1) to repeal Public Law 86–272, amended, with respect to any person;

(2) to increase, decrease, or otherwise affect the power of any State or political subdivision to impose or assess a net income tax or a capital stock tax with respect to an excluded corporation;

(3) to give any State or political subdivision the power to impose a gross receipts tax with respect to a sale of tangible personal property if the seller would not be subject to the imposition of such a gross receipts tax without regard to the provisions of this Act; or

(4) to prevent a State or political subdivision from enacting legislation that would result in a lesser tax liability than that provided by this Act.

SEC. 528. PROHIBITION AGAINST OUT-OF-STATE AUDIT CHARGES.

No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this Act applies including a net income tax imposed on an excluded corporation.

SEC. 529. LIABILITY WITH RESPECT TO UNASSESSED TAXES.

(a) PERIODS ENDING PRIOR TO ENACTMENT DATE.—No State or political subdivision thereof shall have the power, after the date of the enactment of this Act, to assess against any person any tax for any period ending on or before such date in or for which that person became liable for such tax if during such period the State or political subdivision would not have had the power to assess such tax had the provisions of title I of this Act been in effect during such period.

(b) CERTAIN PRIOR ASSESSMENTS AND COLLECTIONS.—The provisions of subsection (a) shall not be construed—

(1) to invalidate the collection of a tax prior to the time assessment became barred under subsection (a), or

(2) to prohibit the collection of a tax at or after the time assessment became barred under subsection (a), if the tax was assessed prior to such time.

SEC. 530. CAPITAL ACCOUNT TAXES ON DOMESTIC CORPORATIONS.

The State in which a corporation is incorporated may impose a capital account tax on the corporation without division of capital, notwithstanding the jurisdictional standard and limitation on attribution otherwise imposed by this Act.

SEC. 531. EFFECTIVE DATES.

(a) Except as provided in section 529, this Act shall apply only with respect to taxable years beginning on or after one year from the date of the enactment of this Act.

(b) Section 306 of this Act shall be effective with respect to taxable periods beginning on or after July 1, 1978.

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EXPLANATION OF MAJOR PROVISIONS OF S. 1245, THE INTERSTATE TAXATION ACT OF 1973

S. 1245 is a revision of S. 4080 introduced in the 92nd Congress in October of 1972. S. 4080 incorporated features of a number of bills that had been introduced over a period of time. Many of its provisions were supported by a significant portion of the business community and a number of State tax officials. The revisions in S. 4080 contained in this new bill primarily implement a further meeting of minds between the affected business taxpayer groups and key State officials.

TITLE I—JURISDICTION TO TAX

SECTION 101. UNIFORM JURISDICTIONAL STANDARDS

This section aims to provide protection for the business that is selling in interstate commerce from being liable for payment or collection of taxes in States where that business has no business location while at the same time preserving the legitimate interest of the States in collecting all taxes to which they are entitled.

The present sales and use tax jurisdictions would be preserved for the States by codifying (with an exception benefiting primarily small business) the present law as enunciated in the Supreme Court cases of *Scripto, Inc.* v. *Carson*, 362 US 107 (1960) and *National Bellas Hess, Inc.* v. *Department of Revenue of the State of Illinois*, 386 US 753 (1967).

The bill would afford relief from sales tax liability for businesses without a business location in the State—that is, generally medium and small businesses, wholesalers and small manufacturers—through a registration number procedure.

The seller, without a business location in a State, would be able to rely on a sales and use tax registration number procedure, prescribed in Section 304, as assurance that the *business* buying the product would assume liability for payment of any sales or use tax that may be due. "Business location," which is defined in Section 513, generally means owning or leasing real property within the State, or having one or more employees located in the State, or regularly maintaining a stock of tangible personal property in the State for sale in the ordinary course of business. Since most of the larger corporations would tend to have "business locations" in States in which they are making interstate sales, their tax liability would not be greatly affected by this registration number procedure. Rather the registration number procedure would tend to benefit primarily the smaller businesses—the type of business that the House Judiciary Subcommittee on State Taxation of Interstate Commerce found to be in widespread noncompliance, through lack of knowledge, inability to comply, etc., with sales and use tax payments on interstate sales. In that the procedure clarifies liability for payment of sales and use taxes, it should be helpful to States in actually collecting the taxes that are not being collected now, as well as relieving small business from potential liability that hangs over their heads.

Section 101 also provides for a "business location" jurisdictional test for imposing a corporate net income tax, a gross receipts tax or capital stock tax on a corporation. The reason for this provision is well stated in the December 1971 Report of the Committee on Interstate Taxation of the New York Bar Association. The report states:

"In our Committee's judgment, the policy of requiring a corporation to contribute to the support of the government of each State providing a market for its goods or services is outweighed by the policy of freeing multistate business firms from the onerous administrative burdens of keeping records and filing tax reports for a multiplicity of States and localties with which their economic contacts are relatively small. In our view, the governmental services furnished by a State to an enterprise having no permanent establishment within that State's borders are not likely to be sufficiently substantial to justify the imposition of income tax compliance burdens on such an enterprise. This judgment leads us to support the "business location" test set forth in Clause (1) in Section 101 of the Rodino Bill as affording an appropriate means of alleviating the compliance problem."

TITLE II—MAXIMUM INCOME OR CAPITAL ATTRIBUTABLE TO TAX JURISDICTION

SECTIONS 201–206. OPTIONAL THREE-FACTOR FORMULA

The bill provides an optional Three-Factor Formula (property, payroll, and sales) for apportionment of income or capital of interstate corporations. This is the most widely used formula and has been recommended by

the Commissioners on Uniform State Laws in the Uniform Division of Income Tax Purposes Act (UDITPA). A taxpayer would still have the right to use a different apportionment formula that may be provided for by State law, but the Three-Factor Formula and other provisions of Title II serve as a maximum.

The bill adopts the approach of the so-called "Ad Hoc" bill, S. 3333, of the 92nd Congress, to apportion all income in the tax base except portfolio dividends which would be allocated to commercial domicile. Foreign source income generally and intercorporate dividends would be excluded both from allocable and apportionable income. This will clear up the confusion that has developed in the application of UDITPA between "business" income that is apportionable among the states by the use of the Three-Factor Formula and "non-business" income which is allocable to a specific State.

The shift in this bill to placing greater emphasis on apportioning income among the States by formula, as opposed to allocating that income to specific States by situs, constitutes a major concession by the business community to those States that have been advocating this approach. There has been a developing trend among the States to support apportioning income among the States by the Three-factor Formula rather than allocating by situs. Business generally in the past has proposed clarifying the confusion in UDITPA between apportionable "business" income and allocable "non-business" income by specifying what types of income should be apportioned and what types should be allocated.

SECTION 204. SALES FACTOR—"THROWBACK RULE"

The bill assigns sales by destination in a State as the simplest, most equitable attribution procedure. It gives due weight to the role of the market in the overall production of income or capital and is one that many businesses and States have learned to live with and prefer. The so-called "throwback" provision, found in the Uniform Act (UDITPA), is not included in the sales factor. The "throwback rule" provides that in the case of sales to the United States Government and when the taxpayer is not taxable in the State of the purchaser, the sale will be recaptured or "thrown back" to the State of the origin of the sale.

It would appear more equitable and appropriate that the receipts factor include sales on a straight destination basis since the purpose and intent of the apportionment formula is to arrive at a reasonable basis for assigning some part of the corporation's total income to a particular State based on the activity performed in that State. Therefore, in attempting to measure this activity, the guidelines should be focused on what is being done in the State—and not what the taxpayer is *not* doing in some other State. In utilizing the receipts factor, it is recognized that part of the income or capital is attributable to the selling activity in the market State and, therefore, any change from a straight destination test results in attributing a smaller part of the total income or capital to the selling activity than would be the case by utilizing a straight destination test. The market oriented States must rely largely on the sales factor to have a share of major multistate business assigned to them. Other States that are relatively less market oriented have property and payroll factors, as well as sales, to increase their share of the taxable income or capital. The justice of this concept has been recognized by a number of major States, including some that are not market oriented States, which have deleted the "throwback" provision in enacting the Uniform Act. These States have recognized that recapture involves an administrative complexity that may cost more than the tax difference. The House Judiciary Subcommittee on State Taxation of Interstate Commerce on page 244, Volume 1 of their report, stated that:

"It should also be observed that the existing throwback rules add to the complexity of the system even if their applicability is clear. When a throwback rule applies, it will normally require the taxpayer to develop data in addition to that needed to comply with the primary division-of-income rules of the taxing State. When a destination State requires that certain sales be thown back to the State of origin, for example, the taxpayer is required to determine the point of origin of each transaction subject to the throwback. The development of such information may materially increase the burden of compliance."

SECTION 207. APPORTIONABLE INCOME

Corporations necessarily have, in addition to their regular business income, income which is not earned in the course of their regular trade or business. To the extent that such income is not earned in the United States, it is not properly apportionable by formula to the various States. Section 207(a) insures that only income earned in the United States will be apportioned among the States by formula.

The Section 207(a) provision that apportionable income for a corporation shall not be determined by reference to the income of any other corporation needs to be related to Section 209 on "Consolidated Apportionable Income" which provides for determining apportionable income for affiliated groups of companies under certain circumstances.

Additional language has been added to Section 520 to make it clear that a State cannot properly include foreign taxes deemed to be paid which are treated as dividends for Federal income tax purposes as part of the State tax base. This is meant to clear up a confusion that has developed in some States that have attempted to follow the Federal tax base without recognizing that the "gross-up" of foreign taxes required by Federal law is simply a device used in connection with the application of the foreign tax credit which then eliminates such taxes from the Federal base. Since States do not have a foreign tax credit, failure to permit an adjustment for the gross-up results in a State attempting to impose a tax on fictitious income to which it has no legitimate claim. Most recently this has been a problem in the State of Illinois.

The alternative Apportionment Election permitted by Section 208(b) of S. 4080 has been deleted from this bill. This provision would have allowed a taxpayer to elect to include in apportionable income gains, profits, and income derived from the sale of personal property without the United States. The deletion of this provision constitutes a further concession to the State tax collector viewpoint that generally objects to the taxpayer being given elections which it is assumed would be exercised to benefit the taxpayer at the expense of the State.

Section 207(b) on "Adjustment of Apportionment Factors" accomplishes the same purpose as Section 208(c)(2) of S. 4080. It provides for adjustment of the denominators of the apportionment factors to include payrolls, sales, and property that are attributable to the sale of tangible personal property, the ultimate destination of which is outside the United States, because the income derived from the sale is included in apportionable income. The income from such a sale would be included in apportionable income when it is not "income from sources without the United States" as defined in Section 862 of the Internal Revenue Code because the sale takes place, or the title passes, in this country and the property is then shipped outside of the country. The adjustment of the denominators of the factors is made necessary because Sections 202–204 define the denominators as including *only* property, payroll, sales *within* the United States, but such sales may involve property, payroll, and sales located outside of the United States. To properly apportion income it is essential that the apportionment factors reflect values directly related to the specific income to be apportioned.

SECTION 208. ALLOCABLE INCOME—DIVIDENDS

Dividends, except dividends from affiliates, are allocable to the State of commercial domicile. Dividends received from an affiliated corporation in which the taxpayer owns 50% or more of the voting stock and income from sources outside the United States generally are excluded both from apportionable and allocable income and so would not be in the tax base. These exclusions from apportionable income are provided for in the Section 207 definition of "apportionable income."

Section 208 has strong support from business and many States.

Since a State should be attempting to tax only income derived from sources in that State, it would seem obvious that the States should not be taxing income earned overseas, but this is precisely what some States are attempting to do. In fact, some States are attempting to go beyond commonly accepted worldwide concepts of taxing international income.

Section 207 provides that corporate dividends are to be excluded from income apportioned among the States by formula unless dealing in securities is the taxpayer's principal business. Section 208 then provides for allocation of dividends, except dividends from affiliates, to the State of commercial domicile. This type of allocation is in accordance with intent of the Uniform Act (UDITPA) but Congressional action is made necessary by a September 10, 1971, recommendation by the Multistate Tax Commission (MTC) to the States for regulations that would apportion dividend income. The regulations which the MTC proposes to change basically were worked out after much effort by the Committee on Uniform Income Tax Regulations of the National Association of Tax Administrators (NATA). The regulations as recommended by NATA have been adopted by California, Oregon, and Kentucky. The regulations as proposed by NATA would generally allocate dividends to the State of commercial domicile which is a clear cut way of handling the problem in accordance with the intent of the uniform law (UDITPA). Only a minority of the States have enacted the Multistate Tax Compact. Therefore even if all the member States adopted this proposed regulation, which seems unlikely, many States are likely to continue to follow their present practices. This means that States that tax dividends of companies with a commercial domicile in the State will continue to do so. Other States that adopt the Multistate Tax Commission (MTC) regulation will be apportioning the *same* dividend income by formula among the States. The result will be increased *double* taxation.

Most States and the Federal government have long recognized that intercorporate dividends should not be treated as income subject to full taxation. Some States allow a 100% exclusion for intercorporate dividends, while others follow the Federal practice of an 85% exclusion (a 100% exclusion is permitted by the Internal Revenue Code for dividends from affiliates under certain circumstances). It is likely, however, that if the MTC regulation referred to above is adopted by Compact member States, there will be a great temptation for these States to subject such income to taxation even though they have no legitimate claim on it. The result will be increased multiple taxation.

Business generally takes the position that no dividends should be taxed since the income from which the dividends are paid has

already been taxed. Very few States include all dividends in the tax base. Many States include dividends only to the extent that they are included in Federal taxable income. To the extent dividends are taxable, they are generally allocated to the State of commercial domicile, as provided for in Section 207.

SECTION 209. CONSOLIDATED APPORTIONABLE INCOME

If it is established that two or more affiliated companies have engaged in non-arm's-length transactions which cause a material distortion of income apportioned by a State, the State may require, or the taxpayer may elect to determine, apportioned income by consolidating the income of parties to the non-arm's-length transactions. "Non-arm's-length transactions" and "affiliated corporations" are defined in Sections 507 and 508.

This provision on consolidated returns (Section 209(a)) is a revision of the proposal contained in Section 210(a) of S. 4080 of last session.

Section 209(b) provides that a State or political subdivision may not require and the taxpayer may not elect a consolidation that includes a corporation incorporated outside the United States, or any corporation 50 percent or more of the ordinary gross income of which is excludable under Section 207(a)(1), or an excluded corporation. Section 207(a)(1) excludes income from sources without the United States. Section 509 defines "ordinary gross income" and Section 506 defines "excluded corporation." Section 208 allocates portfolio dividends to the State of commercial domicile and excludes from the tax base dividends from affiliates and from foreign sources outside the United States.

If affiliated corporations engage in non-arm's-length transaction, it is the intent of this section, and Sections 507 and 508, that all such affiliated corporations, whether or not each engages in non-arm's-length transactions with each of the others, may be required or permitted under appropriate circumstances to determine maximum amount of income attributable to a taxing jurisdiction by reference to consolidated apportionable income on a consistent basis and so that neither more nor less than 100% of their consolidated apportionable income will be subjected to tax. In order to achieve this result, each such affiliated corporation will multiply the aggregate apportionable income of all such affiliated corporations (after elimination of all intercorporate transaction) by an apportionment fraction which is the average of the corporation's property, payroll and sales factors, except that the denominator of each factor shall be the total of the same factor for all such affiliated corporations with all intercorporate transactions eliminated. If a corporation falls within the scope of subsection (b)(1), (2), or (3) so that its income would not be included in consolidated apportionable income for the purpose of determining the maximum tax of an affiliated corporation, it should not be required or permitted to compute its apportionable income under this section.

The provisions on combined reporting and consolidated returns should help avoid situations where companies are "whipsawed" between conflicting approaches of different States and subjected to double or multiple taxation on the same income. This sometimes results in more than 100% of a company's income being subjected to State taxation.

The need for these provisions is illustrated by two cases involving the Kennecott Copper Corporation. The States of California and Utah have both held that Kennecott and its affiliates are unitary.

California rules that Kennecott must file a combined report. (*Chass Brass and Copper Company* v. *Franchise Tax Board*, 7 Cal. App. 3d 99, 86 Cal. Rptr. 350, *appeal dismissed and cert denied*, 400 US 961 (1970)). Utah, on the other hand, refused to permit Kennecott to file a consolidated return, even though its law authorizes such a return, but instead imposed a separate accounting approach on the parent ogranization and required separate taxation of its affiliates (*Kennecott Copper Corporation, et al.* v. *State Tax Commission of Utah*, unreported decision of the Utah Supreme Court, Case No. 12498, filed January 24, 1972. Appeal dismissed by the Supreme Court of the United States, November 6, 1972.) Both California and Utah acted in a manner so as to maximize the tax owed to each State. The result is that Kennecott is being subjected to taxation on considerably more than 100% of its income. The California case also illustrates how that State uses its combined reporting requirements to subject foreign source income from overseas investment to taxation even though the foreign affiliates involved have no situs or business activity in the State.

The refusal of the Supreme Court to hear the Kennecott California and Utah appeals emphasizes the need for Congressional action to rectify the situation.

TITLE III—SALES AND USE TAXES

This title generally follows S. 3333 with the addition of the registration requirement referred to above in connection with Section 101. This includes the provisions (Section 306) prohibiting political subdivisions from imposing the obligation on the seller to collect tax on an interstate sale unless (1) the seller has a business location or makes regular deliveries into the subdivision, or (2) the local tax is imposed in all geographic areas of the State on like transactions at the same combined State and local rate, administered by the State, and uniformly applied so that a seller would not be required to classify interstate sales according to geographic areas of the State. (This section would not be effective until July 1, 1977.) The other provisions in this title primarily codify existing law and are generally considered acceptable to the States.

TITLE IV—JURISDICTION OF FEDERAL COURTS

This title would give jurisdiction to the Federal Court of Claims to hear appeals upon the application of provisions of the Act, after Senate administrative decisions are final and the only appeal is to court. The Court of Claims uses Commissioners to hear cases throughout the country. The Court of Claims also have authority to sit as a panel of judges in different parts of the country. The objective of this title is to have a single Federal court that could develop expertise in the area of interstate taxation and provide for uniform application of the Federal law in a manner that would not be possible through use of State or Federal District Courts.

INTERSTATE TAXATION ACT

Mr. RIBICOFF. Mr. President, I am pleased to join with the distinguished Senator from Maryland (Mr. MATHIAS) in introducing the Interstate Taxation Act.

This bill is designed to bring order to the present chaotic system of taxing interstate commerce. Almost 200 years after the founding of this Nation businesses still face serious impediments to the free flow of commerce.

The growth of our society has placed increasing demands on our States and local governments. Population expansion, particularly in our cities and towns, has burdened local jurisdictions with demands for increased public services—in the form of schools, roads, sewers, fire, and police protection. State and local governments, in meeting these demands have had to open new sources of revenues including income, sales, and use taxes. The resulting wide proliferation of State and local taxation programs have increased the difficulties of conducting an interstate business—particularly if the concern is small or medium sized.

A recent study by a House Judiciary Committee subcommittee revealed a staggering number of jurisdictions taxing interstate commerce. There were in effect on a State level, 38 different sets of corporate income tax laws, 39 sales and use tax systems, 37 capital stock tax laws, and eight different sets of State gross receipts tax laws. The local tax picture was even more staggering—with more than 2,300 cities, counties, parishes, towns, and villages imposing sales and use taxes on interstate commerce, more than 1,000 local governments imposing gross receipts taxes, and more than 100 local governments imposing full fledged corporate income taxes.

Today the numbers are even higher and the problems they create more exasperating.

I have received pleas for action from Connecticut businesses of all sizes. Products manufactured in my State travel all over the country. But the present system of State taxation is so unwieldly, so cumbersome, that many companies, particularly smaller ones, simply do not have the ability to meet the taxing requirements of all the jurisdictions in which their goods are sold. One Connecticut businessman told of having to spend several hundred dollars in order to meet a tax bill amounting to only a few dollars. Individuals face many of the same problems. It is imperative that these companies and private citizens be given relief and allowed free access to a single national market.

I have introduced legislation to solve this problem in the 90th, 91st, and 92d Congresses. Unfortunately the Senate has never taken action. I am hopeful that with the establishment in the Senate Finance Committee of a Subcommittee on Interstate Taxation we will finally enact the necessary corrective legislation. The Mathias-Ribicoff Interstate Taxation Act of 1973, a revised version of our previous efforts, will be a major step toward eliminating the present confusion and allowing our Nation's businesses free and easy access to all markets.

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By Mr. TALMADGE:

S. 1246. A bill to amend the Controlled Substances Act so as to increase the penalty with respect to the unlawful distribution of certain narcotic drugs by individuals determined to be a public menace. Referred to the Committee on the Judiciary.

Mr. TALMADGE. Mr. President, there is a vicious and unprincipled predator stalking our society, and it is long past time that we took forceful action to eradicate him. For years, this vulture has been preying on our most priceless asset—our young people.

I refer, Mr. President, to the drug pusher.

One of the marks of a civilized society is its ability to temper justice with mercy.

But these people represent the lowest and most vile form of human life, and they deserve neither sympathy nor compassion. They do not deserve it because they never exhibit it to another human being.

I am introducing legislation today that will treat these vicious predators the way they should be treated—as public menaces. I refer specifically to the man who is not, himself, caught in the iron grip of drug addiction, but who lines his pocket with the money of the desperate individuals whose lives he is destroying. He moves among our youth like a silent, deadly disease, mercilessly seeking out the gullible and the ignorant, taking them by the hand, and leading them into the most wretched and bleak form of human existence.

Mr. President, there is much that we can lay at the door of this public menace. First, there are the young lives which he has enslaved. He has led them from youthful innocence into the desperate hell of drug addiction. The young man or woman who is ravaged by drugs cannot think of his or her family or job. Their entire lives are dominated by the driving need to secure more drugs to feed their habit—and this is a need which can only increase. Rapidly, their habit becomes so expensive that they cannot support it through legal means—so they turn to a life of crime.

Every time this public menace makes another conquest, it is as though a pebble were dropped into a pond. The first ripple represents the addict himself, and all other ripples are the innocent victims that he robs, beats, and even murders to feed his habit. While I have pity for the addict, he, at least, made a voluntary decision to become involved in this vicious circle. But the law-abiding citizens whose property and lives are snatched from them to be laid at the feet of this public menace by the unfortunate people he has enslaved have been involved entirely against their will.

The legislation which I propose today represents a direct effort to remove this public menace. It provides that any person who is convicted of distributing more than 4 ounces of so-called hard drugs, and who is not an addict himself, will be found by the sentencing court to be a public menace. Such a finding would be mandatory on the part of the court if the circumstances I stated before were found to be present. Upon such a finding, the accused would be sentenced to an additional term of not less than 10 nor more than 30 years, with no provision for probation or parole. This sentence would have to be served separately. Any person convicted, for the second time, of such an offense would be sentenced to life imprisonment, with a minimum sentence of 30 years. This sentence would also be served separately.

Mr. President, I hope the Senate will act with dispatch to approve this legislation. Any man who can, in a cold and calculated manner, entice another human into an existence of quiet desperation, and offer him a one-way ticket to despair, is not fit to breathe the same air as decent people. He is not even worthy to wear the label of a human being, and I want him off the streets before he destroys another life. I think all Americans want the same thing.

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By Mr. FULBRIGHT (by request):

S. 1248. A bill to authorize appropriations for the Department of State, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for the Department of State and for other purposes.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting Assistant Secretary of State for Congressional Relations to the Vice President dated March 1, 1973, and the section-by-section analysis of the bill.

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

S. 1248

*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 "Department of State Appropriations Authorization Act of 1973."

SEC. 101. There are authorized to be appropriated for the Department of State for the fiscal year 1974, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts—

(1) for the "Administration of Foreign Affairs", $282,565,000;

(2) for "International Organizations and Conferences", $211,279,000;

(3) for "International Commissions," $15,568,000;

(4) for "Educational Exchange", $59,800,000;

(5) for "Migration and Refugee Assistance", $8,800,000.

SEC. 102. There are authorized to be appropriated for the Department of State for fiscal year 1975, such sums as may be necessary to carry out the purposes of Sec. 101 of this Act.

SEC. 103. Appropriations made under sections 101 and 102 of this Act are authorized to remain available until expended.

TRANSFER OF APPROPRIATION AUTHORIZATION

SEC. 104. Any unappropriated portion of the amount specified in any of the paragraphs (1) through (5) of section 101 of this Act may be appropriated, in addition to the amount otherwise authorized, under any of the other paragraphs in that section.

CERTAIN ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS

SEC. 105. In addition to amounts authorized by sections 101 and 102 of this Act, there are authorized to be appropriated for the Department of State such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, for other nondiscretionary costs, and for expenses of programs or other activities, including participation by the United States in international conferences, which arise subsequent to the date of enactment of this Act.

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DEPARTMENT OF STATE,
*Washington, D.C., March 1, 1973.*

The Honorable SPIRO T. AGNEW,
*President of the Senate,*
*U.S. Senate.*

DEAR MR. PRESIDENT: In accordance with Section 407(b) of the Foreign Assistance Act of 1971, there is transmitted herewith proposed legislation that would authorize appropriations for the Department of State to carry out authorities, functions, duties and responsibilities in the conduct of foreign affairs of the United States during the Fiscal Years 1974 and 1975.

The bill provides for (a) authorization of appropriations for "Administration of Foreign Affairs" which relates to the operation of United States diplomatic and consular posts abroad and of supporting elements of the Department of State in the United States; (b) authorization of appropriations for "International Organizations and Conferences" including contributions to meet obligations of the United States to international organizations pursuant to treaties, conventions or specific acts of Congress; (c) authorization of appropriations for "International Commissions" which enable the United States to fulfill its treaty and other international obligations; (d) authorization of appropriations for "Educational Exchange" which is a program administering the cultural and educational exchange activities of the United States, and (e) authorization of appropriations for "Migration and Refugee Assistance" which includes the United States annual contribution to the International Committee of the Red Cross and refugee assistance programs.

A section-by-section analysis and other detailed information explaining the proposed legislation is enclosed.

The Department has been informed by the Office of Management and Budget that there is no objection to the presentation of this proposed legislation to the Congress and that its enactment would be in accord with the program of the President.

Respectfully,

MARSHALL WRIGHT,
*Acting Assistant Secretary for Congressional Relations.*

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SECTION-BY-SECTION ANALYSIS

*Section 101*—This section provides an authorization of appropriations for the Department of State in accordance with the provisions of Section 407(b) of the Foreign Assistance Act of 1971. Funds are authorized to be appropriated under this legislation for the fiscal year 1974.

This section contains the authorizations for appropriations by category for fiscal year 1974. Apart from the amounts, this section is the same as subsection 101(a) of Public Law 92-352, except that it now includes authorization for international trade negotiations which are scheduled to begin in fiscal year 1974 and excludes authorization for the acquisition, operation and maintenance of buildings abroad which is being submitted as separate legislation.

*Paragraph (1)* authorizes appropriations under the heading "Administration of Foreign Affairs" to provide the necessary funds for the salaries, expenses and allowances of officers and employees of the Department, both in the United States and abroad. It includes funds for executive direction and policy formulation, conduct of diplomatic and consular relations with foreign countries, conduct of diplomatic relations with international organizations, domestic public information activities, central program services, and administrative and staff activities.

Further, it provides funds for relief and repatriation loans to United States citizens abroad and for other emergencies of the Department; and payments to the Foreign Service Retirement and Disability Fund.

This authorization category, unlike the comparable provision in Public Law 92-352, does not include funds for acquisition, operation and maintenance of facilities. Such funds, covering U.S. Government buildings abroad and the related activities of the Foreign Buildings Office, will be sought under a separate authorization bill.

*Paragraph (2)* authorizes appropriations under the heading "International Organizations and Conferences". This category provides the necessary funds for United States contributions of its assessed share of the expenses of the United Nations, eight specialized agencies and the International Atomic Energy Agency, six Inter-American organizations, six Regional organizations and seventeen other international organizations. The United States membership in these organizations, which has been authorized by treaties, conventions or specific Acts of Congress, constitutes an obligation for payment of its share of the assessed budgets pursuant to the basic statutes or constitutions of the international agencies. Also included are the necessary funds for the missions which represent the United States at the headquarters of certain international organizations in which the United States has membership or participates pursuant to treaties, conventions or specific Acts of Congress. These missions maintain liaison with the international secretariats and with the delegations of other member governments at the organizations' headquarters. In addition, provision is made for funding of official United States Government participation in regularly scheduled or planned multilateral intergovernmental conferences, meetings and related activities, including international trade negotiations, and for contributions to new or provisional organizations. Included also are the expenses of Congressional delegations to international parliamentary meetings. This subsection does not include the authorization of appropriations for voluntary contributions to international organizations which are provided for in other Congressional enactments.

*Paragraph (3)* authorizes appropriations under the heading "International Commissions" which provides funds to enable the United States to fulfill its treaty and other international obligations with Mexico, including the expenses and operations of the American Section of the International Boundary and Water Commission, United States and Mexico; project investigations and construction on the United States-Mexican border. Also included are the authorization of funds for American Sections, International Commissions, in accordance with existing treaties, for expenses of the American Section of the International Boundary Commission and the International Joint Commission, which are concerned respectively with maintenance of the United States-Canadian border, and environmental and other joint problems involving the United States and Canada. Appropriations are authorized for expenses, including contributions, to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties or conventions, and implementing Acts of Congress.

*Paragraph (4)* authorizes appropriations under the heading "Educational Exchange" which provides funds to enable the Secretary of State to carry out his functions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended, and the Act of August 9, 1939. Funds appropriated under this authorization provide for the educational and cultural program of the Department of State, including the exchange of persons, aid to American sponsored schools abroad, and cultural presentations. Included also is the authorization of funds to enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 by grant to the State of Hawaii. The Center provides grants, fellowships and scholarships to qualified persons from Asia and the Pacific and Americans who work jointly on problems of mutual concern.

*Paragraph (5)* authorizes appropriations under the heading "Migration and Refugee Assistance" to enable the Secretary of State to provide assistance to migrants and refugees, both on a multilateral basis through contributions to organizations such as the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees, and on a unilateral basis through assistance to refugees designated by the President, as authorized by law. Also included is an authorization of funds for a contribution to the International Committee of the Red Cross pursuant to existing legislation. This subsection does not include the authorization of appropriations for special and emergency refugee relief assistance which are provided for in other Congressional enactments.

*Section 102*—This section would permit the Department to request appropriations of such sums as may be necessary for carrying out the purposes of Section 101 in fiscal year 1975. While the Department intends to seek annual authorization of appropriations, the purpose of this section is to advance the authorization process one fiscal year ahead of the need for appropriations.

*Section 103*—This section would provide for the customary extension of the availability of funds beyond the end of the fiscal year, to the extent provided for in appropriation Acts, for such appropriations of the Department as "International Boundary and Water Commission, United States and Mexico—Construction", and "Migration and Refugee Assistance". This authority is required to enable the Department to retain funds appropriated for construction projects, the completion of which extends beyond a single fiscal year and to enable the Department to meet the calendar years 1974 and 1975 program needs for Migration and Refugee Assistance.

*Section 104*—This section is a new provision. Its purpose is to permit the Department, within the overall limits of section 101, to seek appropriations for a greater amount than that specifically authorized for any particular category or categories of authorizations. It would permit the unappropriated portion of the amount in any category to be appropriated under any other category in Section 101.

*Section 105*—This section provides an authorization of appropriations for a number of functions, activities and expenses of a nature that are difficult to determine in advance. One such category provided for in this authorization of appropriations covers increases in salary, pay, retirement or other employee benefits authorized by law which occur from time to time and require supplemental appropriations. This section would also authorize appropriations for non-discretionary increases such as those resulting from exchange rate realignments and appropriations required to finance new or expanded activities authorized by law or treaty which would take effect after the enactment of this legislation. Many of the activities and responsibilities of the Department of State are affected by legislation enacted by the Congress, particularly that having international implications, which has a direct bearing on the Department's financial resources. Finally, our experience has shown that unexpected international developments may necessitate the calling of urgent international conferences in which it is in the national interest of the United States to participate. Examples are recent special conferences on aircraft hijacking and terrorism. Without some flexibility, the United States would be unable to participate in such conferences except at the expense of already scheduled conferences which also are important. The Department, therefore, must have the flexibility to meet such additional costs without being required to return for increased authorizations of appropriations prior to the submission of a request for additional or supplemental appropriations.

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By Mr. CURTIS (for himself, Mr. BAKER, Mr. EASTLAND, Mr. GOLDWATER, Mr. HRUSKA, Mr. DOLE, Mr. BROCK, and Mr. THURMOND)

S. 1249. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes. Referred to the Committee on Labor and Public Welfare.

OCCUPATIONAL SAFETY AND HEALTH ACT AMENDMENTS OF 1973

Mr. CURTIS. Mr. President, on behalf of myself and Senators BAKER, EASTLAND, GOLDWATER, HRUSKA, DOLE, BROCK, and THURMOND, I introduce a bill to amend the Occupational Safety and Health Act of 1970, and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, the bill will be received and appropriately referred.

Mr. CURTIS. Mr. President, I am deeply disturbed by the failure of Congress to act in the matter of reforming the Occupational Safety and Health Act of 1970. With every passing day the need for substantive revamping of this legislation becomes more obvious and the failure of the appropriate congressional committees to act becomes more critical.

Last year I introduced S. 3262. At the time, I considered it a comprehensive proposal for obtaining relief from unwarranted harassment of American business and correction of significant technical failures in the original act. I said at the time that I concurred in the basic purpose of the Occupational Safety and Health Act and sought reform which would hasten and reinforce that purpose.

That is still my goal. But I have become convinced over the past year that the problems which S. 3262 sought to remedy were only symptoms. Technical amendments do not get at the real problem with OSHA, because the problem is not technical. It is philosophical.

Some of the difficulties arise from sloppiness in drafting of the law. But the real difficulty goes much deeper. This legislation should have been remedial. Instead, it is punitive. Whether out of deliberate wrongheadedness or an inordinate sense of urgency, Congress enacted a proposal which administers an unnecessary slap in the face of business and is, in my opinion, of questionable constitutionality.

For this reason, I am today introducing the Occupational Safety and Health Act Amendments of 1973, a substantially modified version of S. 3262. Most of the technical amendments contained in the earlier bill are incorporated in this one. But provisions have been added which restore fundamental due process of law, a constitutional guarantee which I be-

lieve was severely abridged for the Nation's employers in the original act.

As I pointed out in recent remarks on this subject—CONGRESSIONAL RECORD, March 6, 1973, page 6534—the Government has, in every instance where the constitutionality of the act has been challenged, either dismissed the penalties or compromised on greatly reduced penalties, just before the issue would otherwise have gone to trial. This suggests to me that the Government lawyers who would have to defend the Occupational Safety and Health Act do not want a court confrontation on the constitutional issues. I suggest that they are certainly well advised to avoid such a confrontation if they want the act to survive.

I do not like to judge motives. But there are clearly at least two possible motives for avoiding such a confrontation and both press upon Congress the urgency of rewriting this act. It may be that the Government lawyers live in hope that Congress will act soon to reform the law and thus they seek to avoid the chaos that would result if it were declared unconstitutional. Or it may be that they seek to avoid a court challenge until they can find a case with sufficient emotional overtones that attention can be focused, not upon the constitutional issues, but upon a paramount "public interest" in the act's rigid and punitive approach. Given that possibility and the recent unfortunate mishap connected with the collapse of the Skyline Towers construction at Baileys Crossroads, Va., the need for immediate congressional action is clear. That is why I urge the Senate Labor and Public Welfare Committee to give prompt consideration to the bill I have introduced today.

As I noted earlier, my bill makes a major alteration in the due process procedures of the act. OSHA inspectors would no longer issue citations and set penalties. They would no longer function in the questionable role of administrators/prosecutors. Instead, their inspections would result in issuance of a notice to the employer, describing in detail any and all violations, prescribing a reasonable time of at least 90 days duration for the abatement of such violations, and outlining the action to be taken by the employer to accomplish abatement.

If, within the prescribed period, the employer has not complied, the Secretary of Labor would be required to refer the matter, including a copy of the notice and other supportive data, to the U.S. Attorney General. Where the allegations of the inspection notice appear to warrant, the Attorney General would institute proceedings in the appropriate U.S. district court. The court would then conduct a trial de novo to determine the facts and assess the penalties.

The threat of legal proceedings serves as the traditional deterrent to continued violation or refusal to conform with reasonable abatement requirements. On the other hand, traditional guarantees of due process are restored. The cumbersome and ineffective Occuptation Safety and Health Review Commission would be eliminated.

At a time when the due process requirements in criminal law are being stretched to the point of absurdity, this seems only reasonable. I believe the honest, hard-working businessman in America has at least as much right to due process under the law as does the rapist or armed bandit.

My bill does not in any way curtail the authority contained in section 13 of the act for the Secretary of Labor to act swiftly in cases of imminent danger. On the other hand, it eliminates unnecessary harassment of employers by requiring that inspections shall be permitted only when the Secretary has probable cause to suspect a violation of the law or standards. I believe this is an equitable balancing of the public interest against the employer's personal rights.

One of the most serious and consistent criticisms of the Occupational Safety and Health Act has been its provision for unannounced inspection. My bill does not contain specific provisions for advance notice of inspections. Indeed, the Secretary of Labor continues to have authority to undertake unannounced inspections where he has probable cause to suspect violation. I believe that the hardship wrought by this practice under the present act would be corrected under the due process provisions and the 90-day abatement period authorized in my bill. However, the penalty for giving advance notification of inspections is repealed. It suggests a completely unnecessary and unwarranted "cloak and daggerism" that is definitely insulting when applied to the vast majority of employers and virtually impossible to enforce effectively in the few cases where it might be useful. I believe these reforms constitute an equitable balancing of the need to cope with habitual offenders as against the need to protect the vast majority of employers who are anxious to provide the highest levels of safety and health for their employees.

The remaining features of my bill are nearly identical with those of S. 3262—see remarks of February 29, 1972, CONGRESSIONAL RECORD, volume 118, part 5, page 5891 and following pages. Briefly summarized, they are as follows:

First. An amendment to exempt small employers, both agricultural and nonagricultural, from the provisions of the act.

S. 3262 exempted employers with 25 or fewer employees or agricultural employers who employed 25 or fewer man-years of labor. There has been a great deal of argument over the exact number of employees which ought to constitute or define a "small business" for purposes of such an exemption. But Congress has consistently supported the principle of exempting "small business" from the requirements of OSHA. Twice last year Congress enacted such exemptions as amendments to the Labor-HEW appropriations bills and only the double veto of those bills, on grounds totally unrelated to this amendment, prevented an exemption of this sort from becoming law.

I will not go into the entire history of that effort. Let me say simply that the exemption has been reduced from the 25 or fewer proposed in S. 3262 to seven or fewer in the bill I presently offer. This change is not an arbitrary one; it is made for several reasons. First of all, it is the number agreed upon by OSHA itself in recent modifications of its regulations governing recordkeeping—see Federal Register, volume 37, No. 193, Oct. 4, 1972, F.R. Doc. 72-16907. Firms of seven or fewer employees are now exempt by regulation from keeping the multitudinous records required of other firms. Some might suggest that having been relieved of the recordkeeping burden, these firms need no other relief. Quite the reverse is true. Relief from the recordkeeping is open admission by OSHA that small businesses, by their very nature, cannot be expected to cope with the same kind of burdens the legislation imposes on larger establishments. The recordkeeping problem is a significant one, but it by no means exhausts the list of harassments and burdens to be remedied. The action by OSHA, in my opinion, is merely an excellent precedent for the amendment I am offering.

For another thing, the language of this amendment is a reasonable compromise between the figures of 15 and 3 adopted at different times by this body last year.

One of the principal arguments against the exemption for firms with 15 or fewer employees was the assertion by the Labor Department that this would exempt more than 86 percent of all business establishments and thereby jeopardize the health and safety of a full one-fourth of the Nation's work force. However, our colleague, the Senator from New York, who is the ranking minority member of the Labor and Public Welfare Committee admitted in the debate last year that only 7 percent of the employment in the United States is in establishments employing fewer than seven persons, and that only 20 percent of all business establishments fall into that category. Thus, while in terms of the matter of harassment, I would much prefer to see establishments employing 15 or even 25 persons exempted, in terms of balancing the need for protection against the burden of harassment, the use of the figure 7 is a substantial concession in favor of protection. There is in most cases no great difference between the ability of a firm employing 25 to defend itself against Federal harassment and the ability of a firm employing seven to do so, though obviously there is some. But in terms of protection, we are reducing the number of exempt businesses from 86 to 20 percent and the number of unprotected employees from 25 to 7 percent of the work force.

Another factor is that in most "small businesses" of the size contemplated by this amendment, the employer works right along with his employees. He is exposed to the same dangers they are, if any exist. His accident and unemployment insurance dictate a concern for health and safety, in addition to his own personal concern, which is not true of large businesses where the owner, manager, or foreman often do not work alongside the employees.

I should point out, too, that an exemption based on seven or fewer employees should substantially meet the criticism made of last year's amendment

to exempt firms employing 15 or fewer persons with regard to certain high hazard small businesses. There should be substantially fewer logging firms, roofing and sheet metal firms, and so forth which will be exempt at the level of seven or fewer. And I emphasize again, as I did last year, that this will not exempt the building trades and other similar businesses where the number of employees on any given job may be small, because the exemption applies to the total number of persons employed by a firm—not to the number employed on a given job or project.

Finally, I am advised that the labor unions, which have strenuously objected to such an exemption in the past are now learning the bitter truth that this legislation is, indeed, driving small employers out of business or forcing them to curtail expansion. This, in turn, is reducing the number of jobs in an already tight job market. The advantages of having small businesses subject to this law are simply not commensurate with the disadvantages.

Thus, I believe such an exemption is not only justified but essential.

Second. An amendment to section 6 of the law which required the Secretary of Labor to put into effect the entire body of national consensus standards without compliance with customary rulemaking procedures. My amendment would not set aside the procedure which Congress elected but instead, would require the Secretary of Labor to evaluate all of these consensus standards, distinguish the various facets of a given general form of business and determine if the rule should apply to each facet.

Experience has demonstrated that requirements which may be reasonable for a "hazardous" form of business can be oppressive when applied to a "nonhazardous" facet and that current standards and regulations often fail to make appropriate distinctions.

In the construction business the difference between "heavy construction" and "light residential construction" is a case in point. There are other similar example from agriculture and other industries. My amendment seeks to rectify that difficulty which is not yet entirely resolved by administrative steps which have been taken along this line.

Third. A further amendment to section 6 requires the Secretary of Labor to publish as to each present and future rule, the estimated maximum and average cost of compliance, and to determine that it is in fact possible to comply.

I believe the Secretary should at least know the cost and feasibility of compliance. I believe the employers should be given some idea of the cost of compliance and should have assurance that there is a device or procedure available which will permit him to comply. There is no such provision in the law at present.

Fourth. An amendment to require the Secretary of Labor to provide technical advice and consultation to nonexempted employers of 100 or fewer employees to assist them in complying with the act.

Another serious criticism of the OSHA legislation has been its failure to permit any sort of on-site consultation prior to an official inspection. Thus, if an employer were uncertain how to comply with the law because of some peculiarity in his operation or facilities, he could not resolve his questions without requesting an inspection and risking automatic citation if he were in violation.

Even though my bill alters the enforcement procedure and requires a 90-day period for abating violations, I believe an employer should be able, in good faith, to seek help which will prevent his even being given a notice of violations. Large firms can afford staff to do this. Smaller employers simply cannot. I am certain we are going to see compliance with the requirements much more quickly and easily if smaller employers get some help. And that, after all, is what we ought to be seeking—compliance, not punishment.

Fifth. An amendment providing that as to the "national consensus standards"—not adopted pursuant to the Administrative Procedures Act—they shall not have equal status with other requirements which were adopted under the usual rulemaking proceedings, by specifying that no penalty or other action will lie as to such deficient requirements unless the Secretary has seen to it that the employer actually receives a copy of the requirements 30 days in advance of any official inspection.

This is to assure that employers have had reasonable opportunity to inform themselves of pertinent standards and abate violations before they are subject to inspection. Many of the so-called national consensus standards still have not been broken down on an industry-by-industry basis so that they are readily available to and understandable by the average businessman.

Sixth. An amendment to compensate employers for the additional expense of having to comply, initially, with one rule, and, subsequently, with a different one when the first one had not been adopted pursuant to the Administrative Procedures Act.

The Senate report on the 1970 act said of the "national consensus standards:

> These standards may not be as effective or as up-to-date as is desirable, but they will be useful for immediately providing a nationwide minimum level of health and safety.

As it turned out many of these standards were even more out of date and ineffective than the committee imagined. They were ineffective, in many instances, because they were drafted by private standard-setting organizations which had minimal participation from small businessmen and they were never intended to be instituted on a mandatory, nationwide basis. Many of them were drafted, not to protect the health and safety of employees but to protect property. Many were drafted to establish minimum industry standards for equipment and systems in which the member firms had a monetary interest.

It was patently absurd to impose such rules on industry generally in the first place. It was even more absurd when Congress, by its own admission, knew many of the standards were inadequate and would have to be updated or replaced later.

Because if such sloppiness on the part of Congress, an employer could be required to install one safety device under the original standard and then would have to replace it or alter it to comply with a later substitute standard adopted under normal rulemaking procedures. If those normal procedures had been followed in the first instance, they likely would have resulted in the correct requirement being adopted initially. I believe the Federal Government, not the employer, should bear the cost of such unnecessary and duplicative expenditures.

My amendment would not apply in cases where the subsequent requirement could not have been adopted initially, as in the case of newly discovered procedures or devices. It also does not apply in cases where the normal rulemaking procedures were followed in adopting the initial requirement, even though there may be subsequent changes in the requirement.

Seventh. An amendment providing that if the usual administrative procedures for adoption of rules were not followed, the failure to comply with the rule cannot be used as evidence of negligence or wrongdoing on the part of the employer.

It is a usual rule of law that where a person is injured and he can prove a relationship between his injury and the absence of compliance with a governmental safety requirement, the fault of the person who failed to comply is presumed, so that the burden is upon him to prove he was not at fault. In the case of the safety rules which were not adopted pursuant to the usual governmental procedures, it is my belief that this rule of evidence should not apply. It appears it could cause unnecessary litigation and should be answered in the same law which created the problem.

Eighth. An amendment to relieve employers from the absolute liability provisions of the act.

At present many of the regulations require the action of employees to implement them. The employer may have done everything in his power to get the employee to do what he should, but if the employee fails to do so, the employer is still held responsible and subject to fines or the closing of his business.

My amendment would permit an employer who receives a notice of violation under the act to show that he has posted notices and exerted all reasonable efforts in accordance with rules to be adopted by the Secretary to cause his employees to comply with the regulation.

If the employer cannot establish that he did this, he will still be held responsible, but he should have this right.

Ninth. An amendment to provide that no employer shall be responsible for fines and other penalties under the act if he can prove that the requirement he is alleged to have violated would not have effectively constituted an improvement of the health and safety of his employees.

Though some of the more asinine rules

which clearly had marginal bearing, if any, on employee health and safety have been revised or rescinded in the past year, this amendment is still necessary.

There are requirements which may appear necessary when trying to set up national standards, but when a specific employer in a specific situation sees them, it is clear to him and to his employees that compliance will in no significant way improve the health or safety of his employees. Indeed, in some cases the employer may have a safety device chosen to fit his specific needs which is far superior to the one adopted as a national standard. Under present regulations, the employer may seek a variance from rules which he feels are not appropriate to his situation. But it should not be the employer's responsibility to seek such a variance. It should be the Government's responsibility to prove that the employer is failing in his responsibility to the health and safety of his employee. Unless things have changed since I read the law, our judicial system is founded on the principle that a man is innocent until proven guilty and not vice versa. I am convinced that businessmen will not be arbitrarily penalized for dubious violations if the Government must take them to Court and prove that they violated not only the letter but the spirit of the law. It is my opinion that we seek a spirit of concern for health and safety—not a finicky, nit-picking insistence upon compliance to the letter with a vast multitude of detailed standards and regulations. It is in that hope that this particular amendment is offered.

Tenth. An amendment to permit the Secretary, where appropriate, to make provisions for initial medical exams for employees and followup exams thereafter at periodic intervals.

This will assist the recordkeeping proviso of the bill and enable the employer and the Secretary to better ascertain the effects of a particular job upon employee health.

Eleventh. An amendment to aid the purposes of the act by permitting the formation of employee safety committees to identify areas of concern at a particular business and to endeavor to find the best solutions for their health and safety.

Although this seems a logical and beneficial way of particularizing employee health and safety, other laws, particularly the National Labor Relations Act, appear to prohibit it or to establish preconditions. Thus, it is necessary to grant specific authorization to permit the employees to so participate in order to further the purposes of the Occupational Safety and Health Act.

Twelfth. An amendment making available to the Secretary of Labor, in the case of alleged violations, the option of entering into an agreement with the employer for prompt compliance, in lieu of submitting the case to the Attorney General.

With this authority, the Secretary is permitted the flexibility to work out appropriate arrangements to accomplish compliance. For example, it may be that the employer plans within a reasonable length of time to construct a new plant or move his business to a new location. If he were staying in his present location, an abatement period of similar length might be unreasonable. Such flexibility may, in addition to facilitating compliance, avoid a shutdown of the business and loss of income to the employees. It could also avoid unnecessary expenses to the Government in litigation costs. My amendment does not require this procedure; it only makes it available as a tool to the Secretary for use in appropriate cases.

In closing, let me reiterate as forcefully as I know how, the urgency of the need for OSHA reform. The American people are patient. They will bear heavy burdens and adapt to outrageous limitations if the purpose seems worthy. But the long range effects of bearing unwarranted burdens and seething under outrageous restrictions are insidious.

Some of you may think we can go on forever pulling the wool over the people's eyes with rhetoric about "public interest" and playing shell games with their constitutional rights. I suggest to anyone who is of that mind that at some point Congress is going to pass one phony "public interest" bill too many and the people's patience is going to snap. If I read the present indications correctly, OSHA may have been that bill. If not, it will have contributed mightily to the coming of that day.

Let us, with that in mind, hasten to correct legislation which was enacted in undue haste and predicated upon the mistaken premise that the Nation's employers should be punished for their past record in the field of health and safety rather than assisted in improving it.

I will, of course, welcome any of my colleagues who wish to join as cosponsors of this measure.

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By Mr. TOWER (for himself, Mr. BELLMON, and Mr. BARTLETT):

S. 1251. A bill to amend the Agricultural Act of 1970. Referred to the Committee on Agriculture and Forestry.

Mr. TOWER. Mr. President, today, I am introducing legislation which would allow guar to be included as a substitute crop for wheat, feed grain, and cotton.

Over the past few years, guar has become an important crop in many areas of Texas and Oklahoma and with some assistance, can prove to be a major cash crop for producers. Expanded guar production should insure domestic supply requirements and expand the uses of guar byproducts. The largest amount of guar gum sold in the United States is being processed from imported material.

Perhaps the best known uses of guar gum include as a stiffener in soft ice cream, whip and chill puddings and whipped cream substitutes, even though the highly refined gum accounts for only a small portion of total production. Guar meal contains about 35-percent protein, of which about 95 percent is digestible. It makes excellent protein supplement for livestock. Finally, gum is used in cloth and paper sizing, oil well drilling muds and ore floatation.

The market possibilities in the United States alone for domestically produced guar are several times the present amount being produced. Good future export possibilities and expansion of export-related programs in agriculture give good indications that guar can become a major export commodity. Present prices of guar greatly enhance expansion of production, and with minor changes in program law which will protect the history on wheat, feed grain, and cotton, we can provide even greater incentive to expand alternative crops.

Farm prices are beginning to come more in line with production costs, and farm program prospects appear to be similar to present programs. Farmers enjoy the privilege of making their own decisions about the amount of particular crops which will best suit their personal operations. The concept of "freedom to plant" is very popular and is greatly responsible for the increased income farmers are receiving. While this freedom exists, the importance of alternative crops for cash purposes increases. It is understandable that a farmer would be hesitant to produce new crops, however, where there is a possibility of losing valuable crop history on a farm. With the allowed protection of crop histories called for in this measure, a farmer can plant alternative crops for cash purposes and add another "alternative."

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By Mr. BAYH:

S. 1252. A bill to amend the Controlled Substances Act to establish effective controls, including production quotas, stricter distribution and storage security and more stringent import and export standards, against diversion and abuse of methaqualone, by placing this depressant substance on schedule II of such act. Referred to the Committee on the Judiciary.

THE METHAQUALONE CONTROL ACT OF 1973

Mr. BAYH. Mr. President, today I am introducing a measure designed to facilitate law enforcement agencies and others in their efforts to investigate and curb the abuse of methaqualone diverted from legitimate channels of distribution to illicit markets.

During my 2 years as chairman of the Juvenile Delinquency Subcommittee, I have conducted an intensive investigation into the diversion and abuse of legitimately produced narcotic and nonnarcotic dangerous drugs.

Not drugs illicitly grown in Turkey and refined in France. Not drugs grown and refined in Asia's Golden Triangle. But dangerous drugs produced legitimately within our own borders.

Additional efforts are necessary to deal with the problems of international drug traffic. But even if the war on heroin should result in total victory, the epidemic of drug abuse which plagues American society would not be vanquished, for the source of supply for growing legions of addicts is a domestic one.

The subcommittee conducted a total of 7 days of hearings on barbiturate abuse and diversion in December 1971, and May and June 1972. The extent of barbiturate abuse, the high incidence of barbiturate diversion, and the clear potential for even greater abuse have been documented in the subcommittee report "Barbiturate Abuse in the United States—1972," and the many hundreds of

pages of testimony and supplemental materials in our recently published volume "Barbiturate Abuse 1971–1972."

During the course of our barbiturate hearings, increasing reference was made to the growing incidence of methaqualone abuse. The drug is known as the "love drug," "heroin for lovers," and "the Dr. Jekyll and Mr. Hyde drug." Many law enforcement and drug program staffers claim that it is the "hottest drug on the street" and that its abuse is rising in "geometric proportions."

In my own State of Indiana the abuse of methaqualone has increased substantially in the past 6 months, particularly among youths 13–20. Directors of drug crisis centers, personnel operating drug hotlines and law enforcement officers in many Indiana communities, including Evansville, South Bend, Bloomington, Terre Haute, Muncie, Indianapolis, Fort Wayne, Lafayette, Anderson, Peru, and Kokomo, report that methaqualone abuse is increasingly common. They express deep concern because abusers believe the drug to be a safe nonaddicting downer.

Methaqualone is a nonbarbiturate sedative-hypnotic. It is pharmacologically equivalent to the short and intermediate acting barbiturates. Since abusers are primarily interested in pharmacological effects rather than the chemical classification, it is not surprising that this nonbarbiturate is being widely abused. Best known on the streets as "sopors" and "quaaludes," this drug rates attention because of its newly recognized abuse potential and harmful effects.

In many ways the drug has become more attractive to potential abusers because of its nonbarbiturate characterization. The abuser who is "luding out," mistakenly thinks that he or she is using a less dangerous, nonaddictive barbiturate substitute. In fact, recent reports indicate that methaqualone is not only the rage in the addict community and on college and high school campuses, but it is so fashionable in some cities that bowls of "sopors" have replaced peanuts as a cocktail party staple. Individuals who would not abuse amphetamines or barbiturates are abusing "sopors" in ever increasing numbers.

Most alarming is the fact that methaqualone if often combined with alcohol, wine and beer. As with barbiturates, this is a deadly mixture. There is a a potentiation, so that one multiplies the effects of the other. If these practices continue we can expect growing numbers of tragedies associated with methaqualone abuse. As with barbiturates, abuse of methaqualone is risky business, but combining it with alcohol is suicidal.

Methaqualone because of the casual consideration it receives may have an even greater potential for abuse than the barbiturates. Methaqualone, is indeed, the "Dr. Jekyll and Mr. Hyde drug"—seemingly safe while actually deadly.

Although widespread abuse of methaqualone is a relatively recent phenomenon in this country, the problems associated with it are no mystery to students of its abuse. Epidemic outbreaks of methaqualone abuse have occurred in Japan and European nations during the 1960's. A study of 411 drug addicts treated in mental hospitals from 1963 to 1966 in Japan, found that 176—or 42.8 percent—abused methaqualone. When withdrawn from the drug, 9 percent of these methaqualone abusers experienced convulsions and delirium symptoms. The chief reason for these hospital admissions was violent antisocial behavior associated with methaqualone abuse. Apparently the serious methaqualone abuser develops the same disoriented mean drunk temper as the barbiturate abuser.

In this country, methaqualone has not been subject to as much scrutiny as the more traditional sedative-hypnotics. Several studies, however, have concluded that chronic abuse of methaqualone does lead to tolerance and, when the drug is discontinued, to withdrawal symptoms.

The American Medical Association's Council on Drugs says of methaqualone that "long-term use of larger than usual therapeutic doses may result in physical and psychic dependence." The Medical Letter on Drugs and Therapeutics, a nonprofit publication providing unbiased critical evaluation of drugs by a board of eminent physicians, states:

> Despite manufacturer's claims that "even after wide use physical dependence has not been established" . . . we believe it should be classified as a physical dependence producing drug.

In fact, physical addiction to methaqualone was demonstrated by a number of clinical studies in England as early as 1966.

The "Methaqualone Control Act" which I am introducing today places the drug on schedule II of the Controlled Substances Act of 1970. Methaqualone is a prescription drug, but is not controlled under the 1970 act. Under schedule II, methaqualone would be subject to production quotas, stricter distribution controls, and more stringent import and export regulations.

At least one of the manufacturers of methaqualone claims that counterfeit methaqualone tablets have been distributed through illicit channels of distribution. One such report has been received from Lafayette, Ind. My bill would subject to criminal penalties any person who knowingly or intentionally creates, distributes, or dispenses counterfeit methaqualone.

I believe that widespread abuse of this substance can be significantly curtailed by limiting the supply of the drug to recognized legitimate needs, and by simultaneously placing tighter controls on the distribution and prescription, and recordkeeping procedures required for methaqualone.

It has been nearly a year since representatives of the Food and Drug Administration assured the subcommittee that their recommendation on stricter controls for sedative-hypnotic drugs, including methaqualone, would be forthcoming. On May 5, 1972, FDA representatives told the subcommittee members that we would have their recommendation in July 1972, or in approximately 2 months.

Unfortunately, this type of administrative delay is not atypical.

It was only after a 3-year struggle that the proponents of stricter controls on the production and distribution of amphetamines could claim a victory of sorts, at least for the many youngsters and others who because of the recently imposed production quotas will perhaps not be exposed to an overabundance of "speed" in the family medicine chest, at school, or on the street.

In spite of conclusive documentation of epidemic Ritalin and Preludin abuse and dependence in Sweden and Japan, as well as evidence of increasing abuse and diversion in this country, a spokesperson for the Attorney General told the members of the subcommittee, in July 1971, that they did not have sufficient evidence of abuse potential to justify tighter controls. The FDA spokespeople expressed the hope that these drugs would be more strictly controlled.

I took strong exception to this wait-and-see approach then, and today I reiterate this position most emphatically with regard to methaqualone.

How many of our citizens are once again going to be victimized by a policy that chooses to put the burden—the risk of abuse—on the public rather than on these manufacturers of dangerous drugs.

Methaqualone is readily available. In Indiana, the 150 mg. tablets sell on the street for 50 cents to $1. Our preliminary surveys indicate that this price range is fairly typical of the street market in other regions of the country. The legitimate wholesale price for 500 tablets of 150 mg. each is approximately $18.25 or 3.7 cents a tablet. When methaqualone is diverted at the wholesale level the profits are enormous.

Reports indicate that there have been instances of significant diversion. The subcommittee recently learned of the diversion of 600,000 methaqualone tablets from a Parke, Davis & Co. warehouse in Detroit, Mich. These tablets were reportedly diverted over a 10-day period in November 1972. These methaqualone tablets would bring from $300,000 to $600,000 on the street. The methaqualone diverted in this one case could provide each of the 24,000 students at Wayne State University in Detroit with 25 "sopors."

Physicians and pharmacists are also sources of substantial amounts of the methaqualone which reaches the street. Drug samples and supplies are stolen from doctors' offices and pharmacies. Prescription pads are also sought. One common practice involves a single abuser who visits numerous physicians and complains of the same ailment. From each doctor, the abuser requests and receives a prescription for methaqualone. These prescriptions will be filled and refilled at numerous pharmacies. Thus the abuser or dealer is often able to obtain large quantities of methaqualone without being detected.

In a few instances, physicians themselves are actively engaged in illicit methaqualone traffic. On May 2, 1972, Richard Oliver, investigative reporter for the New York Daily News, brought such a case to the attention of the subcommittee members. Mr. Oliver commented as follows:

> Mr. Chairman, if I may add something to the testimony I have heard earlier, I would

like to relate an incident which occurred right after this story was published. Another parent called me, and said that his son, he had found his son high one day, and finally got out of him where he had gotten the drug. He gave me the name of the doctor that I will keep anonymous, for obvious reasons, on the east side of Manhattan, right next to a very large college, where his son goes to school. He said the doctor was in the habit of prescribing for students.

I am aware of the dangers of a layman like myself, and as you have mentioned, going into the doctor-patient relationship. I understand the problem, but I think there is a very serious problem here, and I think the facts I will give you now will substantiate that.

We sent another youth to the doctor, after determining the visiting hours. He found the cars double-parked outside of the office. He found half a dozen youngsters inside. He introduced himself to the nurse on duty.

When his turn came, during which time the room filled up, the visiting room filled up with other students, when he was called, he was told to say two things: He had trouble sleeping; and his studies were bothering him. The physician did not look up from the prescription pad.

He prescribed 100 tablets of Quaalude, a sedative, asked for $10, and our agent left. He never examined the patient, he never—he barely looked at him.

I called up the local office of the Bureau of Narcotics and Dangerous Drugs and I spoke with an agent there and related this.

**The agent said, "Just give me his initials," and I gave him the doctor's initials and he immediately identified the doctor and said that the doctor had been under investigation for over a year.**

**And I said, "Over a year, you mean he has been servicing students in this area for over a year?" And he said, "Yes, we are proceeding administratively against him."**

He went on to relate that the bureau has changed its procedures in recent months and is now contemplating proceeding criminally against such doctors.

Obviously these tablets, whether diverted from a manufacturer, a wholesaler, a retailer, or a practitioner, are not meeting legitimate research, industrial, or medical needs.

Tighter controls over sedative-hypnotic drugs, including methaqualone, would have been imposed long ago by an administration committed to curbing diversion and abuse of legitimately produced domestic drugs.

Once again, this administration has ignored the lessons learned abroad, the studies indicating the abuse potential and the evidence of escalating actual abuse of methaqualone in this country.

We have an opportunity, indeed a responsibility, to curb the unchecked proliferation and abuse of this monster, which has been aptly characterized as the drug abuser's "Dr. Jekyll and Mr. Hyde" potion. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the section-by-section analysis of the bill, together with the bill, be printed at this point in the RECORD.

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

SECTION-BY-SECTION ANALYSIS OF THE METHAQUALONE CONTROL ACT OF 1973

Section 1: This section contains a short title to reflect the amending of the Controlled Substances Act of 1970.

Section 2: This section amends section 202 (c) of the Act by providing that methaqualone be placed on schedule II of such Act.

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S. 1252

*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 "Methaqualone Control Act of 1973."

SEC. 2. Schedule II of section 202(c) of the Controlled Substances Act (Public Law 91-513; 84 Stat. 1250) is amended by adding at the end thereof the following new paragraph:

"(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of methaqualone."

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By Mr. BAYH (for himself, Mr. COOK, and Mr. MOSS):

S. 1253. A bill to authorize the merger of two or more professional basketball leagues, and for other purposes. Referred to the Committee on the Judiciary.

TO MERGE THE PROFESSIONAL BASKETBALL LEAGUES—AND PROTECT THE PLAYERS' BARGAINING RIGHTS

Mr. BAYH. Mr. President, the basketball merger bill before the Senate Judiciary Committee last year, S. 2373, was reported out so late in the session that floor action was impossible. The original version of S. 2373 was delayed because it clearly was inadequate in setting the circumstances under which Congress would grant an exemption from the antitrust laws for the purpose of merging. Specifically, it made no provision at all for the rights of the players, and second, it offered the high schools and colleges no protection against professional basketball telecasts by the merged league.

Based upon the information produced during the extensive hearings on S. 2373, and as a result of the committee's deliberations in reporting out a drastically different version of the merger bill, I have drafted a version that would facilitate a merger—and fully protect the players' bargaining rights.

Mr. President, after conversation with both the NBA Players' Association and the ABA Players' Association, I am convinced they will support the bill I am introducing today. This bill would do away with the so-called uniform players' contract and its restrictive option clause, and provide, instead, that players in the common draft may enter into a contract either—for 1 year with a simple 1-year option, or—for more than 1 year without an option. Veteran players are free to negotiate a contract individually, but in no instance could it carry an option clause of more than 1 year—and such a clause could not be part of a "uniform players' contract."

There is no question but that a merger of the two professional basketball leagues reduces the employment opportunities available to both veterans and rookies—witness, for example, the tremendous increase in salaries in professional basketball. Likewise, there seems little question but that the ever intensified bidding wars between the two leagues results in a tremendous financial strain on the newer franchises and has produced, as a result, an instability that threatens the structure of professional basketball. In order to minimize the obvious adverse economic impact a merger would have initially on the players, it is essential that they be given greater mobility and flexibility within a merged league by shortening the ties of their contractual obligations. There is a tradeoff here that I believe is fair to both owners and players.

Without a congressionally sanctioned merger, I am convinced that a substantial number of franchises would collapse, thereby reducing the opportunity for many Americans to view professional basketball. The sole purpose of this merger bill, therefore, is to afford the fans the greatest opportunity to view professional basketball—and so the bill requires that as a condition for granting an antitrust exemption to the two leagues that merger not result in fewer teams. Furthermore, it is important to remember that the antitrust exemption granted here extends only to the conditions required to effect a merger and to the common draft, a mechanism essential to insuring balanced competition in a merged league.

In seeking to strike a delicate balance between the bargaining rights of professional basketball players and the economic realities of ownership, it is easy to forget that interscholastic and intercollegiate basketball also have a vital stake in this legislation. Telecasts by the merged league in competition with high school and college games are very likely to have an adverse affect on the live gate at these games. With the high schools and colleges so dependent upon gate receipts to sustain their programs, it is essential that there be adequate protections against the indiscriminate telecasting of professional games.

The protections in the bill as drafted are based on the protections now afforded high school and college football and are similar to those incorporated into the version reported out of the Senate Judiciary Committee last year, but go even further. High school and college games would be protected against league telecasting—live or delayed—of professional games on Tuesday evenings, Friday evenings and Saturdays during the period November 1 to March 31. This prohibition would apply to all telecasting stations within 75 miles of the game site.

A question has been raised, Mr. President, about the effectiveness of the protection since it extends the prohibition only to games where the league has arranged for the telecast. The so-called drop-back game, the telecasting of which is arranged by the individual clubs, would not be prohibited and could pose a potential conflict with high schools and college games. I am hopeful that this particular question can be explored in greater detail with hearings so that a reasoned judgment could be made about the impact of the "drop-back" game on the live gate at high school and college basketball contests. I am not tied to the present language on telecasting but before we attempt to change it, I would hope that enough good information would be made available to serve as a guide as to just what additional protections the high schools and colleges may require to sustain their programs—for I am deeply committed to that goal.

Finally, I want to point out that this bill also provides additional protection to the high schools and colleges against "raiding" by the professionals. Under the terms of section 5 the merged league could not conduct a common draft before May 1—this ensuring that a college player would not be tampered with until his academic and athletic year had ended.

I ask unanimous consent that a copy of the bill appear in the RECORD at the end of my remarks.

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

S. 1253

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first section of the Act of September 30, 1961 (75 Stat. 732), as amended by section 6(b)(1) of the Act of November 8, 1966 (80 Stat. 1515), is further amended by inserting in the second sentence thereof following the phrase "two or more" the phrase "professional basketball leagues combine their operations in an expanded single league, if such agreement does not decrease the number of professional basketball clubs so operating and the provisions of which are directly relevant there to or a joint agreement by which the member clubs of two or more."

SEC. 2. Section 3 of such Act of September 30, 1961, is amended by—

(1) inserting "(a)" before the first word of text; and

(2) adding at the end thereof the following new subsection:

"(b) The first sentence of section 1 of this Act shall not apply to any joint agreement described in such section which permits network, live, or delayed over the air telecasting of all or a substantial part of any professional basketball game on any Tuesday after six o'clock postmeridian, or any Friday after six o'clock postmeridian, or on any Saturday during the period beginning on November 1 and ending on March 31 in any year from any broadcast station located within seventy-five miles of the game site of any intercollegiate or interscholastic contest to be played on such a date if—

"(1) such intercollegiate basketball contest is between institutions of higher learning both of which confer degrees upon students following completion of sufficient credit hours to equal to a two-year or a four-year course; or

"(2) in the case of an interscholastic basketball contest, such contest is between secondary schools both of which are accredited or certified under the law of the State or States in which they are situated and offer courses continuing through the twelfth grade of the standard school curriculum, or the equivalent, and

"(3) such intercollegiate or interscholastic basketball contest and such game site were announced through publication in a newspaper of general circulation prior to October 15 of such year as being regularly scheduled for such day and place."

SEC. 3. Such Act is amended by redesignating Sections 4, 5, and 6 as 5, 6, and 7, respectively, and inserting after Section 3 the following new section:

"SEC. 4. (a) Every individual who is already engaged in the organized professional team sport of basketball in or affecting interstate commerce has the right to enter into a contract with any person for the purpose of engaging in such sport with a particular team without agreeing to permit that person to control his right, upon the expiration of his contract, (including the option period as authorized by subsection (b) if contained in said contract) to enter into a contract with any other person for such purpose.

"(b) The antitrust laws referred to in Section 1 of this Act shall not apply to a joint agreement among the member clubs of any professional basketball league regarding the allocation of the right of first negotiation with a player who has not, at the time such right is allocated, played professional league basketball, to the extent that such agreement is consistent with the second sentence of this subsection. A member club of any professional basketball league that has been allocated the right of first negotiation with such a player may enter into a contract of employment with such a player either for a term of one year with an option provision for a further period of one year only or for a term of more than one year without an option provision. No member club of any professional basketball league shall retain, directly or indirectly, or by any means or device whatsoever, any option upon the services of any player beyond the termination date contained in his contract of employment (1) except as permitted in the second sentence of this subsection as to any player covered thereby, and (2) except for an option provision in the contract of a veteran player for one year only which may not be part of a uniform player contract and which is individually negotiated at the discretion of the player.

"(c) Any provision of a contract which requires any player (1) to agree to permit the other party to the contract to control his right, upon the expiration of that contract (including an option period as authorized by subsection (b) if contained in said contract) to enter into a contract with any other person for the purpose of engaging in the organized sport of professional league basketball, or (2) to secure a release from the other party to that contract before entering into or performing under such a contract for such purpose with any other person, shall be unenforceable.

"SEC. 5. The second sentence of Section 1 of this Act shall not apply to any joint agreement among the member clubs of two or more professional basketball leagues unless that agreement prohibits any allocation prior to May 1 of any year of the right of first negotiation with a player who has not theretofore played professional league basketball."

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By Mr. MUSKIE (for himself, Mr. PERCY, Mr. MATHIAS, Mr. BAYH, Mr. HUMPHREY, Mr. METCALF, Mr. RIBICOFF, and Mr. TUNNEY):

S. 1255. A bill to provide for a program of assistance to State governments in reforming their real property tax laws and providing relief from real property taxes for low-income individuals, and for other purposes. Referred to the Committee on Government Operations.

Mr. MUSKIE. Mr. President, on behalf of myself and the senior Senator from Illinois (Mr. PERCY) and the Senator from Maryland (Mr. MATHIAS), the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. METCALF), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from California (Mr. TUNNEY), I introduce the Property Tax Relief and Reform Act of 1973, a bill to provide for a program of assistance to State governments in reforming their real property tax laws and providing relief from real property taxes for low-income individuals, and for other purposes.

Mr. President, students of the America past accept as a commonplace the tie between unjust taxation and revolt in our early history. The British Stamp Acts hastened the battle for American independence. Heavy taxes on farmers spurred Daniel Shays, a veteran of Bunker Hill, to take up arms in 1786 against the government of Massachusetts. Excises which Thomas Jefferson called "odious" brought mobs to life in western Pennsylvania during the Whiskey Rebellion of 1794.

We are now a more orderly people. But we live still with that heritage of protest against arbitrary and unjust taxation, and the modern expression of our tradition has taken the form of the "property tax revolt." Just three nights ago in Annapolis that revolt brought a reported 1,500 homeowners to the Maryland State House to demonstrate their deep anger against assessments they say are unfair.

According to an account of the rally in the Washington Post, Gov. Marvin Mandel said of the citizens' protest:

I think it relieves a little of the tension.

Indeed the tension is there. It surfaces in Maryland in a deputation to the legislature. It surfaced in Alabama in a Federal court case which ended in June 1971, by finding the State's whole property tax system "arbitrary and discriminatory." It surfaced in Montana in a successful drive to rewrite the State constitution to open the way for central supervision of the assessment process.

The tension—the ingredients of the revolt—is felt in Gary, Ind., where the secrecy surrounding the appraisal of a huge steel mill drives citizens to organize their own investigation. The discontent is heard in New York City where appraisers are accused of assessing property without using standard manuals to do their job. The distrust has its echoes in citizens' lobbies for property tax reform in Illinois, in Massachusetts, in Texas, in Wisconsin, in New Jersey.

The appeal for relief was part of the legislative messages of 30 Governors this year. Indeed, 15 States, 10 of them acting in the last 2 years, have already taken limited measures to reduce the burden the property tax so often imposes on those least able to pay it.

But scattershot local response can not quell or dissipate the revolt. As much as we might like to hope that local response will prove adequate to solve a national problem, the weight of evidence must confound such optimism.

One indisputable fact is the importance of the property tax to local finance. The tax raised over $40 billion last year, a little less than half of which came from levies on residential property. An estimated $14 billion came from the tax on single family homes. Unless Americans in great numbers move back into tents, their permanent shelter is going to remain a focus for local officials searching for means to finance needed community services.

And despite suggestions that the unpopularity of the tax may cause its gradual disappearance, statistics indicate, instead, that it has been growing in importance. Where the tax collections on

an average home amounted to an average of 1.3 percent of the property's value in 1958, the proportion had risen to 2 percent in 1971. And an average family which paid $110 or 2.2 percent of its income in property taxes 20 years ago was paying a little over $400, or 3.4 percent of its income, in 1971.

Such proportional increases have brought the greatest suffering to the doorsteps of those whose welfare has already aroused the deepest public concern—the old and the poor. For the elderly—at the mercy of fixed incomes in an era of spiraling inflation—the tax often menaces and sometimes destroys the hopes of a decent and secure old age. For the poor, the tax is an obstacle to progress, a barrier to savings and an actual counterweight to Federal programs designed to supply the lowest income groups with the means to move up the economic ladder.

Statistics compiled by the Advisory Commission on Intergovernmental Relations show that 6.3 million homeowners over the age of 65 are forced to pay an average of 8.1 percent of their household income to the property-tax collector, and nearly 1.3 million of these, saddled with incomes under $2,000 a year, lose an average of 15.8 percent of their support to property taxes.

For the poor in general the tax bite is even more painful. Over 400,000 Americans under the age of 65 live on incomes of less than $2,000 a year and see property taxes consume nearly 19 percent of their meager subsistence. And of 14 million Americans with yearly incomes under $5,000, 10.4 million face property tax payments in excess of 6 percent of their total income.

The statistics roll on and on. Each State has its own horror stories. But the problem is a national one, and it cannot be remedied by isolated protest or piecemeal response.

Most of all, it cannot be wished away from the Federal level by those apostles of inaction who would consign the National Government to the role of a theater prompter: A man who whispers encouraging hints to the main actors but never steps on the stage himself. Such an attitude may explain the failure of the President to send Congress the property tax relief measures to which he pledged himself in his 1972 state of the Union message.

Those who argue against Federal involvement in an area traditionally left to local action are now asserting, with some facts to support them, that the States themselves have taken up the burden of relieving excessive property taxes. Since Wisconsin adopted the first "circuit-breaker" relief program in 1964, 14 other States have enacted similar programs to assure that property taxes not take an excessive portion of the income of the elderly and the poor.

But the pattern of progress is uneven. State resources are limited. Only nine States have extended relief to renters as well as homeowners, and of those, only California helps taxpayers under the age of 65. Indeed, only two States provide help to all low-income taxpayers regardless of age. And the low income ceilings imposed by most States on recipients—generally between $3,000 and $7,000 per household—are a measure of the restricted State finances that can be allocated to tax relief programs.

The uneven pace of State progress toward property tax relief for the poor and elderly is further slowed by the overall failure of the States to reform antiquated, inexpert, arbitrary, and confusing systems of property tax administration. By and large the States have not met their responsibilities for making assessments fair, expert, and easily understood.

Although they were given thoroughgoing, professional recommendations for assessment reform 10 years ago by the ACIR, few States have made a comprehensive effort to update their systems. A survey by my Subcommittee on Intergovernmental Relations documents the fact that extensive reform has been the exception, not the rule. Property tax administration generally remains the crippled stepchild of indifferent State and local governments.

The survey, like the findings of a similar one conducted independently by the education commission of the States, documents the breakdown of property tax administration. Some of its principal findings are simply put:

For central supervision of property tax administration States spend on the average only one-tenth of 1 percent of the revenues the tax itself generates. Only Hawaii and the District of Columbia spend more than 1 percent of property tax collections to monitor the collecting process.

Only 11 States require that local property assessors be professionally qualified—through training and certification procedures—for the crucial job they do.

No significant consolidation of taxing jurisdictions—numbering in the thousands, many of them too small and too poor to do their job properly—has occurred in any State in the last decade.

Only one State—Hawaii—distributes directly to its taxpayers the information it gathers on the quality of assessment, the degree to which uniformity of valuation is a reality rather than a pious wish.

In many States the appeals boards at both the local and State levels, from which taxpayers may seek assessment changes, do not meet recommended standards of independence and expertise. In many cases, in fact, the officials who hear appeals are also, wearing other hats, employing the assessors whose rulings are in dispute.

Only 15 States reported that they regularly publish the assessments of real property exempted from taxation. Yet this is one of the areas where, if the law is not actually being abused to protect special interests, the exemption system imposes a hidden and poorly understood cost on the general taxpayer.

To be effective, relief and administrative reform of the property tax must go hand in hand. Now, while progress toward one goal may be jerkily underway, its companion consideration remains largely neglected. State legislatures apparently see little to justify the initial outlays required for administrative reform. Entrenched local politicians and special interests prefer to maintain a system they alone find profitable.

But not far from the surface revolt simmers. And, aside from our interest in tranquil progress, the Federal Government has a new cause to be concerned with the way States manage their resources. Through general revenue sharing, we are shifting major spending decisions once taken at the Federal level to State and local officials. The quality of those decisions is certain to depend in large part on the degree to which State fiscal policies are uniform, integrated and professionalized. As long as administration of such a major revenue source as the property tax is treated with nonchalance, we cannot expect that our revenue sharing funds will be used for the maximum benefit of either the Government or the taxpayer.

I have outlined a situation which requires redress. To conclude I will briefly discuss the remedy I propose in the legislation I introduce today.

The Property Tax Relief and Reform Act of 1973 is, first of all, a program for limited Federal involvement, but a plan that turns words of encouragement into tangible assistance. It is directed toward the goal of relieving both the inequities and the most severe burdens of existing property tax systems.

Its key provision is the one which makes the States the agents of relief and reform. To those who insist there is no Federal role at all in this area, this legislation will appear extreme. To those who wish to see the Federal Government take over the entire task, the bill will seem disappointing.

Its relief provisions are founded on the principle that States should be compensating the poor and the elderly, homeowners and renters alike, for that portion of their property tax payments which exceeds a reasonable level of their incomes. State programs of relief which meet this objective will be financed by a Federal grant equal to one half the cost of the relief distributed, up to a maximum Federal share equal to $6 multiplied by the total population of each State.

Those States which qualify for Federal funding of their relief programs will be required to show progress toward reform of their property tax administrations. But all States, whether or not they enact relief mechanisms, will be eligible to receive Federal grants and loans to modernize their tax-collecting machinery.

These grant and loan programs are directed at speeding those reforms which the ACIR agreed 10 years ago were needed to strengthen the States' own financial structures. They seek, first of all, the establishment of regular and comprehensive procedures for conducting and publishing assessment-sales ratio studies, the primary tool for measuring and enforcing uniformity in property assessments. Armed with the information disclosed in those studies, taxpayers would be better able to use the simple and direct appeals procedures the States would also be helped to create. Simultaneously, the States, with Federal aid, would be assessing the properties which

are exempt from taxation and would be publishing that information so that taxpayers can know what revenue losses from such exemptions they are being made to cover.

All of these measures, incorporated in title IV of the bill, are designed to assure taxpayers easy access to a system whose complexity alone now generates distrust. Whether or not local assessors are favoring special interests or political cronies, it is essential that citizens receive the data they need to understand the system and, where necessary, contest its workings. Our survey has shown that in most States the opportunity for intelligent appeal is virtually foreclosed.

In addition to the grant programs—rising from $15 million the first year to $25 million in the third year of authorization—interest free loans to the States would be available to finance the reform priorities set out in title V. Those States responsibilities include the training and certification of professional assessors; compiling tax maps of all jurisdictions to find property which now, in many places, escapes assessment altogether; analysing the effectiveness of personal property taxes by measuring the revenues they generate against the cost of administering them equitably; and encouraging small taxing districts to share with others the costs of expert personnel and modern machinery.

Finally, the new Office of Property Tax Relief and Reform in the Treasury Department, while overseeing State progress in administrative reform, will be actively engaged in coordinating Federal data on property values for use by the States. Many Federal agencies—from the Department of Defense to the Department of Housing and Urban Development—are constantly involved in assessing property. Their valuations should be available as a matter of course to local authorities concerned with the same or similar properties. Similarly, the information on Federal income tax returns showing individual holdings of securities can be helpful to those 15 States which now attempt to tax intangible personal property. Only two of those States, however, now use Internal Revenue Service data to bolster their property tax collecting system.

The new Treasury Office would also be available to assist States in appraising those complex industrial properties valued at over one million dollars which now—because of the lack of local expertise—often receive less than professional attention from assessing officials. Further, the Office would join interested States—using grants limited to $5 million a year—in experimental tax modernization programs. Experts have long maintained that site value taxation would greatly simplify and improve property tax administration. It is time to give their theory a full-scale test.

Finally, the Office would engage in efforts to help States coordinate their property tax policies with the development of comprehensive land use plans to assure coherent growth and to protect scarce natural resources. Local tax policies are too often unwitting obstacles to the most efficient use of property. On its own, the Office would make a full-scale survey of Federal property now exempt from local taxation and, within 18 months, would recommend Congressional action, if appropriate, to reimburse State or local governments for the tax revenue lost through such exemptions.

I see the reform program set out in this legislation as a finite task to which the Federal Government must contribute the initial financial impetus. The States, finding that reform puts them on a sounder financial footing, will be able to complete the job themselves after the 3-year grant authorization expires. The relief cost-sharing plan and the loan program will have lives of 6 years and 10 years respectively.

Both relief and administrative reform are tasks that can no longer be ignored or deferred. For the health of our Federal system, we must begin now.

Mr. President, I now yield to my distinguished colleague, the senior Senator from Illinois, the chief co-sponsor of the Property Tax Relief and Reform Act of 1973. I ask unanimous consent that at the conclusion of his remarks the text of the bill we introduce today be printed in the RECORD.

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

(See exhibit 1.)

PROPERTY TAX RELIEF AND REFORM ACT OF 1973

Mr. PERCY. Mr. President, during my campaign for reelection to the Senate, one of the major concerns constantly expressed by the people of my State was the increasing rate of taxation on their homes.

This concern was expressed in all parts of the State by all kinds of people: Farmers in the great, grain-growing sections of the State, businessmen in small towns in southern Illinois, the elderly and the poor in urban Cook County.

This adverse reaction to what people consider a particularly unfair tax is borne out by national polls. In 1972, the Opinion Research Corp. found in a survey for the Advisory Commission on Intergovernmental Relations—ACIR—that Americans consider the property tax by far the most unpopular form of taxation.

What accounts for this intense public reaction against the property tax? I believe it stems from a feeling that a heavy tax on one's house is a threat to the security and continuity of both home and family. Statistics show why people feel this way. According to the ACIR, for those families with incomes under $4,000, property taxes absorb 7 percent of income nationwide, and take 24.8 percent and 10.2 percent of family income in the New York and Chicago areas, respectively. Property taxes become even more difficult a burden when family income falls below $2,000. In such cases the property tax is estimated by the ACIR to take 30.8 percent of family income in the Northeast, and 22.9 percent in the West.

States have been responding to the resulting outcry against the property tax. Fourteen States, Illinois included, have now implemented programs of relief to low-income—mainly elderly—homeowners, and, as of February 8, eight other States were in process of considering such programs. Because these programs all share the characteristic of providing relief from real property taxes when they exceed a certain proportion of personal income, they are known as "circuit-breaker" programs.

This response of the States to local needs is highly commendable. But analysts of these programs have concluded that, in general, such State circuit breaker programs provide a rather low level of financial assistance for needy taxpayers. Only two of the 14 States have extended circuit breaker relief to low-income families other than the elderly, and only about half the 14 States extend circuit breaker relief to low-income renters.

This demonstration of the unfair effects of the property tax is ample reason for providing more adequate relief from property taxes when these taxes are too burdensome. There is an important reason why the problem of property tax relief, which many see as a matter of concern strictly for State and local governments, is a Federal problem as well. When local property taxes become so great as to cancel out the efforts of Federal Government programs that are intended to provide a subsistence income floor to elderly and other low-income citizens, the Federal Government has a right—indeed a duty—to take an interest.

There are other reasons that dictate action at the Federal level. Certainly one of the most important is our concern over the ability of State and local governments to effectively and fairly generate income sufficient to meet local needs. Our objective is to promote the development of coordinated Federal, State, and local revenue-raising systems.

For these reasons we at the Federal level have a special interest in programs to provide relief from excessive property taxes, and to encourage property tax reform. The need for reform has been thoroughly documented. In 1963 the Advisory Commission on Intergovernmental Relations issued a landmark report describing State property tax systems. The study presented harsh conclusions about the inequities, inefficiencies, and even the corrupt practices permitted in many areas. Among the specific criticisms were:

Administration of the tax by unprofessional, part-time assessors.

Fragmentation of States into hundreds of taxing jurisdictions.

Gross underassessment of large mineral, commercial and industrial properties.

Unnecessary and unfair exemptions for certain groups.

Indiscriminate creation of special taxing districts in which all property is free from tax, or taxed at very low rates.

Federal or State government property, including Government land or buildings, which is leased to private commercial and industrial users, but which is not taxable by local jurisdictions.

Property owned by local jurisdictions which is leased for industrial and commercial use, but is tax free because still owned by the jurisdiction.

Exemptions for classes of homeowners regardless of the income or assets of such persons.

A survey made this year by the Subcommittee on Intergovernmental Relations shows that this situation has not significantly improved. It is fair to conclude from the survey that the property tax situation in the States is still gravely defective.

The enactment of the new 5-year Federal revenue-sharing program adds a special urgency to the need for reform. In a great many localities, Federal revenue-sharing funds are being used to alleviate onerous property taxes. This is understandable and no doubt necessary, but raises the serious problem that as property tax burdens are eased, local pressures for reform will disappear. The Federal Government, I believe, has a continuing right to expect local governments to reform their own revenue-raising systems, at the same time that we develop Federal programs of revenue sharing with these local governments.

A variety of factors suggest the need for a Federal program of incentives to local property tax relief and reform:

The failure of most existing State relief programs to provide sufficient levels of relief for all low-income homeowners.

The failure of many State programs to include low-income renters.

The continuing, urgent need for reform of local property taxation systems.

The need to encourage the development of stronger State and local revenue systems and thus to strengthen the federal system by improving intergovernmental revenue-raising relationships.

For these reasons I am introducing today, with Senator MUSKIE, a bill to provide a system of Federal incentives to State relief and reform programs. This bill is based on a bill I introduced on October 9 of last year with the cosponsorship of Senators MATHIAS, HUMPHREY, PACKWOOD, RIBICOFF, HATFIELD, MONDALE, and STEVENSON.

The bill creates an Office of Property Tax Relief and Reform in the Treasury Department. The Office would:

Assist States which adopt programs of property tax relief geared to help low-income taxpayers, by paying half the relief provided by qualifying State programs up to a limit of $6 for every State resident. To qualify for Federal cost-sharing, State programs would have to offer relief in the form of cash payments, tax credits or refunds to homeowners and renters, regardless of age. The State relief program would rebate the excess of property taxes on a principal place of residence when the excess was over 3 percent of household incomes up to $3,000, over 4 percent on household incomes up to $7,000, over 5 percent on household incomes up to $10,000, and over 6 percent on incomes up to $15,000. States would have flexibility in setting the relationship between rent and property taxes. Property taxes for renters, depending on local circumstances, would be computed at between 15 and 30 percent of rent. States receiving Federal funds for their relief programs would lose half that support in the third year of the program and all of it in the fourth year, if they failed to adopt the property tax administration reforms set out in titles IV and V of the bill.

Administer, under title IV, a mixed program of interest-free loans and grants—to match up to 60 percent of the cost of State programs—to encourage reforms of State property tax administration. The programs would be available to all States that qualify regardless of whether or not they participated in the relief program.

However, to qualify for assistance, State programs would have to provide for annual assessment-sales ratio studies of residential, commercial, and industrial property and vacant land in the State's taxing jurisdictions. They would also provide that the relationship between the assessed and actual market value of any one piece of property be no more than 10 percent higher or lower than the average sales-assessment ratio in any tax jurisdiction. An assessment-sales ratio is the ratio derived by dividing the assessed value of a piece of property by the market price of that property.

State programs would also have to assure wide distribution of such assessment-sales ratio studies and key the information obtained from them to every taxpayer's bill in such a way that he will know his assessment in relation to the value of his property, and how that relationship matches the standard ratios for all classes of property in the jurisdiction where his property is located. For example, if a taxpayer's property is assessed at 45 percent of value, he will be able to check whether his neighbor's, or others who own similar property, are assessed as much as he is.

State programs would also have to guarantee quick and easy procedures for appealing assessments and automatically readjusting those which are 10 percent greater or lesser than the average for similar properties in the jurisdiction. Within 2 years of implementing a qualifying program embodying such reforms, States would also be required to assess and fully disclose all tax-exempt properties and publish calculations showing the amounts of property tax revenue lost in each jurisdiction because of such exemptions.

Make, under title V, interest-free loans, but not grants, for State programs to provide professional certification of assessing and appraising officials. Such State programs must provide for training for such officials and contribute to the costs of instruction—and of salary improvements based on higher levels of skill. They must also provide for compilation of tax maps of all jurisdictions and they must determine the degree to which taxes are uniformly assessed.

Assist States in conducting their assessment-sales ratio studies by providing the States with better access to information gathered by Federal agencies, such as the Census Bureau, the Department of Housing and Urban Development, and the Defense Department; by standardizing State and Federal information-gathering procedures about property values and by making Federal or outside personnel available to the States for the appraisal of industrial properties worth over $1 million. The Office would be authorized $5 million a year to conduct with interested States experimental programs in property tax administration such as an experiment in site-value taxation. The Office would also help interested States develop land-use plans and would, on its own, be required to inventory Federal property now exempt from State and local property taxation and recommend to Congress legislation to correct any harmful effects of such exemptions, thereby updating the 1968 Douglas Commission study.

I believe my bill is a creative and thorough approach to providing Federal assistance for solution of a major local problem. It can be argued that property taxation is intrinsically a local matter and that local governments should be allowed to solve their problems for themselves. I deeply respect this viewpoint. However, I think it is possible to design, as we have tried to do, a Federal program that relies on the States to act as the agents of change and reform, with Federal encouragement and within Federal guidelines.

The property tax is under increasing attack from many quarters as costs of public services increase. Relief for certain property owners, most particularly the elderly is necessary. Reforming the property tax can, in my view, do a great deal to reduce inequitably high rates for many people, and raise them for those who are unfairly exempted or underassessed.

My bill encourages both objectives. Through the program of matching grants it provides an incentive to States to develop adequate property tax relief programs for all low-income homeowners and renters. Yet it provides a strong incentive for reform by making these grants conditional on implementation—within 4 years—of specified property tax reforms. These reforms have been carefully considered and well studied. They are in measure based on work of the Advisory Commission on Intergovernmental Relations which has studied the property tax systems of the States for at least a decade. These reforms themselves should do a great deal to alleviate the concerns of people who are now so angry over glaringly unfair assessments, the difficulty of obtaining access to information about their taxes, and of appealing unfair assessments on their homes.

Finally, I believe that the programs of grants and interest-free loans provided in titles IV and V are an appropriate encouragement to the States to improve their property taxation systems whether they adopt relief programs or not. As the recent report of the Subcommittee on Intergovernmental Relations on property taxation in the States showed, property tax administration in all States must be improved. In my own State of Illinois important steps have been taken to upgrade assessment practices. Illinois adopted last year a relief program that should do much to assist the poor homeowner and renter. Nonetheless the property tax problem remains a serious one in Illinois, as it is in the vast majority of other States. This bill is an effort to

encourage both relief and reform in all the States. I think it is a responsible response to this extremely important problem.

EXHIBIT 1

S. 1255

*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 "Property Tax Relief and Reform Act of 1973."

TITLE I—FINDINGS AND PURPOSES

FINDINGS

SEC. 101. The Congress finds that—

(1) it is necessary to strengthen the revenue-raising systems of State and local governments in order to preserve a strong Federal system of government;

(2) real property taxes, an essential source of revenue to State and local governments, often place a heavy burden on individuals with low- and moderate-incomes and this burden is particularly heavy for low-income elderly individuals;

(3) a Federal program designed to promote relief from the burden of real property taxes should apply to those individuals who are most heavily burdened by such taxes;

(4) the poor and uneven administration of real property tax laws diminishes their effectiveness as means of raising revenue and causes resentment among taxpayers;

(5) reform of administration of property tax laws can be expected to increase the yield to State and local governments from that tax and insure that its burdens would be more fairly shared by all taxpayers; and

(6) a Federal program designed to encourage the States to provide property tax relief for those upon whom the property tax burden rests more heavily must also encourage significant reforms in the administration of the property tax laws.

PURPOSES

SEC. 102. The purposes of this Act are—

(1) to provide for property tax relief for those persons upon whom real property taxes place the heaviest burden;

(2) to strengthen the ability of State and local governments to raise their own revenues, and strengthen the Federal system by improving the intergovernmental revenue-raising relationship within that system;

(3) to improve the coordination and cooperation among all levels of government and to provide technical assistance to State and local governments in the administration of their property tax laws;

(4) to encourage the reform of the administration of such laws and to establish Federal outlines for their fair and competent administration;

(5) to promote coordination of property tax reforms with the development in all the States of sound land use policies for the protection of scarce natural resources and the coherent growth of urban areas; and

(6) to increase the responsiveness of government at all levels by providing taxpayers full information on the assessments of all lands within their State and locality.

SEC. 103. As used in this Act, the term—

(1) "Office" means the Office of Property Tax Relief and Reform established under title II;

(2) "Director" means the Director of the Office, or his delegate;

(3) "State" means each of the United States and the District of Columbia; and

(4) "Assessment-sales ratio" means the assessed value of a piece of property, divided by the market price of that property.

TITLE II—THE OFFICE OF PROPERTY TAX RELIEF AND REFORM

ESTABLISHMENT

SEC. 201. (a) There is established within the Department of the Treasury an office to be known as the Office of Property Tax Relief and Reform (hereinafter referred to as "Office"). The Office shall administer the real property tax relief and reform programs established under this Act.

(b) The Office shall be headed by a Director, who shall be appointed by the President. The Director shall be responsible for the exercise of all the functions of the Office, and shall have authority and control over all activities and personnel of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President. The Deputy Director shall perform such functions as the Director may prescribe and shall act as Director during the absence or disability of the Director, or in the event of a vacancy in that Office.

FUNCTIONS

SEC. 202. (a) The Office shall—

(1) administer the property tax relief and reform programs established under this Act.

(2) strengthen the relationships and coordination among the Federal, State and local governments in order to encourage State and local governments to develop, and Federal agencies to assist in the development of compatible fiscal and administrative systems of property taxation.

(4) act as a clearinghouse of information for State and local governments with respect to the various programs and activities of the Federal Government which may affect the administration of property taxes.

(5) provide technical and training assistance to States under title VI;

(6) provide other assistance to State and local governments, consistent with the purposes of this Act, and consult regularly with the Advisory Commission on Intergovernmental Relations;

(7) provide financial assistance for special experimental programs in the administration of property tax laws;

(8) evaluate all Federal efforts in the areas of property tax relief and reform; and

(9) review Federal laws applicable to, or having an effect on property taxes.

ADMINISTRATIVE PROVISIONS

SEC. 203. (a) The Director shall make annual reports and recommendations to the Congress and the President, including recommendations for additional legislation, beginning on the first anniversary of the enactment of this Act.

(b) Upon request made by the Director, each agency of the Federal Government is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates and statistics) available to the greatest extent practicable to the Office.

COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR

SEC. 204. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(98) Director, Office of Property Tax Relief and Reform."

(b) Section 5316 of such title is amended by adding at the end thereof the following:

"(132) Deputy Director, Office of Property Tax Relief and Reform."

TITLE III—REAL PROPERTY TAX RELIEF FOR LOW-INCOME INDIVIDUALS

GRANTS TO STATES

SEC. 301. (a) The Office is authorized to pay to each State which operates a qualified program of real property tax relief an amount equal to

(1) one-half of the cost of that program (other than administrative costs) to the State; but not to exceed

(2) 6 dollars multiplied by the population of the State.

(b) For purposes of this section, the term "qualified program of real property tax relief" means any such program which the Director determines to meet the requirements of this title.

PROGRAM REQUIREMENTS

SEC. 302. (a) The Director shall determine that a State program of real property tax relief meets the requirements of this title if that program provides relief to both homeowners and renters of residential property (including apartments) which meets the minimum standards set forth in subsections (b) and (c).

(b) In order to meet the minimum standards of real property tax relief for individuals who own or are purchasing their principal place of residence a State must provide, by way of cash payments, tax credits, tax refunds, or otherwise, relief from real property taxes in an amount equal to the lesser of—

(1) an amount determined by the State, but not more than $500 per year; or

(2) an amount equal to the amount by which the total real property taxes the taxpayer pays on his principal place of residence for the taxable year exceeds a percentage (determined under subsection (d)) of his household income for that year.

(c) In order to meet the minimum standards of real property tax relief for individuals who rent their principal place of residence, a State must provide, by way of cash payments, tax credits, tax refunds, or otherwise, relief from real property taxes in an amount equal to the lesser of—

(1) an amount determined by the State, but not more than $500 per year; or

(2) an amount equal to the amount by which a percentage of the rent the taxpayer pays during his taxable year for his principal place of residence, determined by the State but not less than 15 percent and not more than 30 percent, exceeds a percentage (determined under subsection (d)) of his household income for that year.

(d) The percentage required under subsections (b) and (c) to be determined under this subsection shall be the percentage specified in the following table:

| If the household income is— | the percentage is— |
|---|---|
| not more than $3,000 | 3.0 |
| more than $3,000 but not more than $6,999 | 4.0 |
| more than $7,000 but not more than $9,999 | 5.0 |
| more than $10,000 but not more than $14,000 | 6.0 |

(e) For purposes of this section, the term (1) "household income" means the aggregate annual income of all the members of the taxpayer's household (including the taxpayer). For purposes of the preceding sentence the term "income" means—

(A) wages, salary, or other compensation for services;

(B) any payments received as an annuity, pension, retirement, or disability benefit (including veterans' compensation and pensions, workmen's compensation payments, monthly insurance payments under Title II of the Social Security Act, railroad retirement annuities and pensions and benefits under any Federal or State unemployment compensation law);

(C) prizes and awards;

(D) gifts (cash or otherwise), support and alimony payments; and

(E) rents, dividends, interest, royalties, and such other cash receipts as the Secretary may by regulation prescribe;

(2) "rent" means consideration paid under a lease, whether written or oral and regardless of duration, solely for the right to occupy a dwelling house (including an apartment), exclusive of charges for (or any part of the rental fee attributable to) utilities, services, furniture, furnishings or personal property appliances furnished by the landlord as part of the lease agreement, whether expressly set out in the rental agreement or not; and

(3) "household" means the members of a family (and anyone dwelling during the tax-

able year with that family) dwelling together during the taxable year in the same residence.

LIMITATIONS

SEC. 303. No amount shall be paid under section 302 to any State as reimbursement for the costs of any program of real property tax relief attributable to—

(1) amount of property tax relief furnished by that State to any taxpayer whose household income exceeds $14,999 for the taxable year; or

(2) amounts of property tax relief furnished by that State to more than one member of any household.

CONDITIONS

SEC. 304. No payment shall be made under section 301 except upon application made by a State containing such information as the Director may require, and each State receiving any payment under that section shall agree to provide the Director with such additional information, reports, and assurances as he may require, consistent with the purposes of this Act. Payments may be made under that section in advance, by installment, or otherwise as determined by the Director.

REDUCTION AND TERMINATION: NOTICE

SEC. 305(a) The Director shall reduce by one-half the amount of the payments to which a State would otherwise be entitled under section 301 during the fourth year that State receives payments under this title unless the Director determines that the State has substantially implemented the reforms and complied with the guidelines of title IV and title V. No payments shall be made to any State after it has received payments under this Act for 4 years unless the Director determines that the State has substantially implemented such reforms and complied with such guidelines.

(b) The Director shall notify each State which will have its payments under this title reduced or terminated under the provisions of subsection (a) of that reduction or termination not later than 1 year before the reduction or termination takes effect, together with information as to what changes in that State's real property tax laws or administrative practices must be made to avoid the reduction or termination.

## TITLE IV—REFORM OF PROPERTY TAX ADMINISTRATION; DISCLOSURE, ACCESS, AND APPEAL

AUTHORIZATION OF REFORM GRANT AND LOAN PROGRAM

SEC. 401. (a) In order to encourage States to provide property taxpayers complete and easily understood data about property appraisals and assessments and to provide swift and uncomplicated means of appealing such appraisals and assessments and to provide for the widest and fullest understanding of the value of real property in the States now fully or partially exempt from taxation, the Office is hereby authorized to administer programs of grants and interest-free loans to State programs which meet the requirements of this title.

(b) The grants established under this title shall be administered so that the Federal contribution does not exceed 60 percent of the total cost of a program in any State.

PUBLICATION OF ASSESSMENT-SALES RATIOS

SEC. 402. (a) In order to meet the requirements of this title, a State program shall collect and cause to be published not less frequent than annually, the assessment-sales ratio for each taxing jurisdiction within that State of—

(1) residential real property located within the taxing jurisdiction;

(2) commercial property located within the taxing jurisdiction;

(3) industrial property located within the taxing jurisdiction;

(4) vacant land; and

(5) such other classes of properties as may be recognized by the taxing jurisdictions.

(b) In determining the assessment-sales ratio of any property, State regulations shall be based on the best existing practice, including, but not limited to, actual sales wherever practical, and shall be, to the extent practicable, in conformity with the standards used by the Bureau of the Census, in its complications of the census of governments.

TAXPAYER APPEALS

SEC. 403. (a) In order to meet the requirements of this title, a State program shall—

(1) provide that all real property within a taxing jurisdiction be so assessed that the assessment-sales ratio of any particular piece of real property, stated as a percentage, is not more than 10 percentage points greater or lower than the average assessment-sales ratio for all properties within the taxing jurisdiction required by State law to be uniformly assessed;

(2) provide for the notification of each real property taxpayer, not later than 60 days before the final date for appeals or the date on which payment of the real property tax on that property is due, whichever is earlier, of the average assessment-sales ratios for each class of real property and for all such classes taken as a whole within the taxing jurisdiction in which his property is located, the assessed value of his property, and the market value placed on his property for purposes of the assessment; and

(3) provide a means by which a real property taxpayer can quickly and easily appeal the assessed value or the assessment rate of property within his taxing jurisdiction.

(b) A real property assessment appeal procedure shall not be considered to meet the requirements of paragraph (3) of subsection (a) unless it provides for the automatic reassessment of any property which, on the basis of the market price established by the taxpayer to the satisfaction of the officer or body to which the appeal may be taken, is shown to be assessed at an assessment-sales ratio which fails to meet the requirement of paragraph (1) of subsection (a).

PUBLIC ACCESS TO REAL PROPERTY TAX DATA

SEC. 404. In order to meet the requirements of this title, a State program shall provide—

(1) for the publication in a newspaper of general circulation within each taxing jurisdiction and through other suitable means of the results of any assessment-sales ratio study made of real property located in that taxing jurisdiction; and

(2) that records containing assessed valuation and market price of all property located within a political subdivision of the State be kept in a public building convenient to residents of that political subdivision and that records be indexed according to address of the property and the name of the owner of the property and be available for public inspection and copying at reasonable hours and at lowest possible cost to anyone wishing to copy any such record.

TAX-EXEMPT PROPERTY

SEC. 405. (a) In order to meet the requirements of this title, a State program shall provide for—

(1) the assessment and separate public listing of all tax-exempt real property, and the disclosure of the assessment of any such property to the public in the same manner as the assessment of other real property is made available to the public;

(2) the publication in the State budget and by each taxing jurisdiction in a newspaper of general circulation within it of the aggregate assessments of all tax-exempt property located in the State and in the taxing jurisdiction and the amount of any revenue loss attributable to the exemption from real property tax of such property.

(b) In the administration of this title, the Director may waive the requirements of subsection (a) for not to exceed 2 years in the case of any State.

## TITLE V—REFORM OF PROPERTY TAX ADMINISTRATION; UNIFORM ASSESSMENT PRACTICE

AUTHORIZATION OF LOAN PROGRAMS

SEC. 501. In order to encourage States to improve the professional qualifications of property appraising and assessing officials, to bring records of real property ownership and value up to date and to improve the quality and efficiency of assessments of personal property, the Office is hereby authorized to administer programs of interest-free loans to State programs which meet the requirements of this title.

UNIFORM ASSESSMENT GUIDELINES

SEC. 502. In order to meet the requirements of this title, a State program shall provide for—

(1) the certification by a State supervisory agency of professionally qualified State and local officials for assessing and appraising property;

(2) training such officials and for making supplementary payments to taxing jurisdictions to cover the cost of training and paying certified appraisal and assessment personnel;

(3) the sharing of the cost of certified appraisal and assessment personnel by taxing jurisdictions which lack the resources to maintain such personnel separately;

(4) the compiling of maps of taxing jurisdictions to disclose the location of all parcels of property and any improvements on such property within the taxing jurisdictions, along with convenient methods of identifying the ownership and use of such property and improvements;

(5) the determination by a State supervisiory agency of (A) the degree to which State taxes on residential personal property, commercial inventories, farm personal property, personal holdings of bank deposits, and securities and other financial assets are uniformly enforced and (B) the cost of administering such taxes relative to present and potential revenues raised by them; and

(6) such other assessment improvement activities as the State and the Director shall determine to be worthwhile.

## TITLE VI—FEDERAL ASSISTANCE TO TRAINING AND TECHNICAL PROGRAMS

TRAINING AND INTERCHANGING PERSONNEL

SEC. 601. The Office shall provide assistance to the States for the training of real property tax assessment and appraisal personnel, including, but not limited to, arranging for the training of such personnel under the Integovernmental Personnel Act of 1970.

ADDITIONAL ASSISTANCE

SEC. 602. (a) The Office shall provide additional assistance to the States in undertaking assessments-sales ratio studies required under title IV, by—

(1) assisting States in obtaining assessment appraisal data now collected by other Federal agencies, together with such additional information as may be requested by the States in improving their assessment programs; and

(2) appraising or arranging for the appraisal of industrial property the market value of which is in excess of $1,000,000, upon request of any State.

(b) The Office shall develop, jointly with interested States, and provide grants for, special experimental programs, such as site-value taxation, to improve the administration of property tax laws. The aggregate amount of grants made under this subsection shall not exceed $5,000,000 during any fiscal year.

(c) The Office shall develop jointly with the States and other concerned Federal agencies programs for presentation to the State

legislature (or to the Congress in the case of the District of Columbia) containing detailed plans to coordinate State and local real property tax policy with the requirements of sound land use planning and to promote coherent urban growth and the protection of scarce natural resources.

(d) The Office shall conduct a survey of all Federal property exempt from State and local property taxes and of the effect of such exemptions on State and local tax bases and shall, within 18 months after the date of the enactment of this Act, submit the survey to the States and Congress along with recommendations to correct any effects of such exemptions it determines to be harmful.

TITLE VII—MISCELLANEOUS: CONDITIONS OF GRANTS AND LOANS

SEC. 701. (a) No payment shall be made under title III, IV, V, or VI except upon application made by a State containing such information as the Director may require, and each State receiving any payment under this Act shall agree to provide the Director, with such additional information, reports, and assurances as he may require, consistent with the purposes of this Act. Payments may be made under this Act in advance, by installment, or otherwise as determined by the Director.

(b) Mass appraisal firms.

(1) The Director shall establish standards for the qualification of firms engaged in providing property appraisal services to State and local governments, and shall certify any such firm which meets those standards.

(2) No State or local government shall receive any assistance under this Act during any year in which it utilized the services of a firm engaged in providing property appraisal services to such governments for the purpose of appraising property within its jurisdiction unless that firm is certified by the Director.

(3) No firm certified under subsection (2) shall have its certification revoked by the Director except after an opportunity for hearing.

GENERAL AUTHORIZATION OF APPROPRIATIONS

SEC. 702. (a) There are authorized to be appropriated to the Office such sums as may be necessary for the purposes of carrying out the provisions of this Act (other than title III and other than the grant and loan programs authorized by titles IV and V) for the fiscal year ending June 30, 1974, and for each of the succeeding 9 fiscal years.

(b) There are authorized to be appropriated to the Office such sums as may be necessary to carry out the provisions of title III for the fiscal year ending June 30, 1974, and for each of the succeeding 5 fiscal years.

(c) There are authorized to be appropriated to the Office for the purpose of carrying out the grant program authorized by title IV $15,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976.

ESTABLISHMENT OF LOAN FUND

SEC. 703. There is established in the Treasury of the United States an Intergovernmental Relations Loan Fund for the purpose of making loans under title IV and title V of this Act. There are authorized to be appropriated to the Fund such amounts as may be necessary to carry out the loan programs authorized under such titles. Amounts appropriated to the Fund shall remain available without fiscal year limitation until June 30, 1983. The Fund shall be credited with any amounts appropriated to it and any amounts repaid under any such program by any State government to which any loan is made under that program.

Mr. RIBICOFF. Mr. President, I am pleased to join with Senators PERCY and MUSKIE in introducing the Property Tax Relief and Reform Act of 1973.

No one likes taxes, but the one most disliked of all is the property tax, because it is unfair. What was originally designed to be a general tax on wealth has now become an oppressive burden on private homeowners of all economic classes.

Recent studies have shown that the homeowner often pays more than his fair share. Texas law students revealed that in Houston, commercial properties were assessed at only 13 percent of fair market value, while residence were assessed at 32 percent. A Vanderbilt University study showed that the largest companies operating in Appalachia were grossly underassessed. In Gary, Ind., a poor city fighting for survival, United States Steel's property was underassessed by as much as $100 million.

Homeowners are becoming aware that they have been victimized. For years, the thought of allowing public schools to close was unthinkable. Now it is commonplace as voters, tired of an unfair system and unable to absorb more increases, defeat school bonds based on the property tax. Schools in Independence, Mo.; Dayton, Ohio; Kalamazoo, Mich.; and Chicago, Ill., have all closed down for a day and even weeks due to a lack of funds.

The property tax's severest impact is on the poor and those living on fixed incomes such as the elderly. Of 14 million Americans earning less than $5,000 a year, over 10 million pay property taxes in excess of 6 percent of their total incomes. Close to 70 percent of the elderly own homes, but only half had incomes of over $5,000. That means that millions of our senior citizens are finding it increasingly difficult to meet their tax payments and are being forced to sell their most valuable possession.

Despite the uproar about the property tax, it is not going to disappear. It raises over $40 billion for our schools and local governments and no other tax can replace it.

The property tax must, therefore, be reformed and made more equitable. The States and localities should be responsible for making the necessary changes, but the Federal Government can help. For that reason we introduce today the Property Tax Relief and Reform Act of 1973.

This bill has two basic purposes—to provide immediate relief for those homeowners and renters paying an inordinately high share of their income in property taxes and to provide an incentive to State and local governments to reform their present systems.

Under our proposal, the Federal Government would pay half the relief provided by qualifying State programs, with a limitation based on a State's population. For example Connecticut could receive as much as $18 million. To qualify for Federal cost sharing, State programs would have to offer relief in the form of cash payments, tax credits or refunds to homeowners and renters, regardless of age. The State relief program would rebate the excess of property taxes on a principal place of residence when the excess was over 3 percent of household incomes up to $7,000, over 5 percent on household incomes up to $10,000, and over 6 percent on incomes up to $15,000. States would have flexibility in setting the relationship between rent and property taxes, computing property taxes at between 15 and 30 percent of rent depending on local circumstances.

In addition a program of interest-free loans and grants would be available to States to encourage needed property tax reforms.

I am hopeful that Congress will act quickly on this legislation and that the States will take advantage of it to help make the property tax fair again.

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By Mr. CHILES:

S. 1258. A bill to establish the Fort Zachary Taylor National Historic Site, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. CHILES. Mr. President, I am pleased to introduce a bill today which would establish the Fort Zachary Taylor National Historic Site in Key West, Fla. Congressman DANTE FASCELL of Florida set the wheels in motion on this project during the closing days of the last Congress. Last fall Congressman FASCELL, aware that the 38-acre complex had been declared excess to the needs of the Navy, urged the chairman of the Armed Services Committee of both Houses to approve a report on this land which had been submitted to them.

The Congressman went on to introduce a bill to name the fort as an historic site and reintroduced that proposal in the 93d Congress. I am anxious to get the Senate's approval of this measure as soon as possible because of the historical significance of the fort.

Construction of Fort Taylor began in 1845. It was one of a handful of forts held in southern cities by northern troops and was in the only southern city also held by the North. As you may know, Key West was the headquarters for the Gulf Blockading Squadron. At one time, 299 Confederate blockading ships which had been captured were tied up in the Key West harbor under the guns of the fort. And many of those same guns are still there.

Mr. Howard England, a civilian employee of the Naval Station at Key West, directed an archeological excavation in 1968 and found a treasure of Civil War cannons and rifles buried in the casements of the fort. Two 26,900-pound Parrott rifles which used a 300-pound projectile; 11 10-inch Rodman cannons and an 8-inch Coehorn siege mortar weighing 945 pounds were discovered during the excavation—as well as Key West's first plant to make fresh water from sea water.

The artifacts remaining at Fort Taylor are especially valuable since the vast majority of the cannons and rifles of the Civil War period were either taken as souvenirs, melted for their metal, or just disappeared. Mr. England believes that the largest collection of old guns of any fort in the country rests at Fort Taylor.

The move to name the fort as an historical site has been hailed by historians. Those familiar with the excavation being done there feel this is a worthwhile project and ought to be continued. They agree that the fort is of major historic

interest and certainly should be carefully protected and preserved for the benefit of the public.

A veritable mine of early 19th century ordnance is buried in the casements at Fort Taylor. If the site is made part of the Federal park system it will be properly protected and eventually open to the public as a tourist attraction. It could eventually serve, in fact, as a central hub for Key West's many historical locations.

I urge all my Senate colleagues to join with me in support of this proposal to establish the Fort Zachary Taylor National Historic Site.

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By Mr. PELL (for himself and Mr. PASTORE):

S. 1260. A bill to provide that daylight saving time shall be observed on a year-round basis. Referred to the Committee on Commerce.

Mr. PELL. Mr. President, I introduce at this time for myself and for my distinguished senior colleague Senator PASTORE, a bill to make daylight saving time the uniform time standard for the United States 12 months of the year.

Under present law, Mr. President, the people of the United States under daylight saving time enjoy an extra hour of daylight in the evening for 6 months of the year—from April through October.

There are, I believe, strong and compelling arguments for making that extra hour of daylight available in the late afternoon or evening during the winter months. Among the benefits that can be expected from extending daylight saving time to 12 months of the year are a reduction in street crime, reduction in the rate of traffic accidents, and an easing of peak-hour demands on limited electric power generating capacity.

The House of Representatives of the Rhode Island General Assembly recently adopted a resolution urging the Congress to enact legislation providing for a 12-month observance of daylight saving time. I think the resolution, introduced in the general assembly by Representative Peter Coelho, is an excellent summary of the arguments in favor of year-around daylight saving, and I ask that the text of the resolution and the text of my bill be printed in the RECORD at the conclusion of my remarks.

Obviously, Mr. President, there are a definite and limited number of hours of daylight in any given day. And there is nothing that the Congress or anyone else can do to increase the number of daylight hours.

What we can do is arrange our time standards so that the people of the Nation can make maximum, most effective, and enjoyable use of the limited daylight provided by nature. We have recognized the clear advantages of doing so during the summer months, when nature is relatively generous with daylight. I suggest it is entirely reasonable to do the same during the winter months when the daylight hours of each day are more limited.

I think it is clear that even during the short winter days an hour of daylight is more advantageous at the end of a day than in the early morning hours.

For example, statistics indicate that street crime—robbery, muggings, assaults, and purse-snatching—reach a height during the early evening. An extra hour of daylight in the evening might well help to curb the rate of these street crimes.

Similarly, the rate and severity of traffic accidents is greatest in the hours just after sundown. During the shortest days of winter, under standard time, the great majority of commuters are forced to travel during this time of greatest hazard. Daylight saving would make it possible, during most of the winter months, for commuters to reach their homes before the onset of darkness, without requiring them to travel to work in darkness during the morning.

A further advantage of year-around daylight saving is the easing of peak-hour demands for electric power.

By making the average workday coincide more nearly with hours of actual daylight, the overlapping of demands for electric power in both homes and places of work would be reduced. The result would be a more efficient use of electric generating capacity, and possibly some saving on fuel supplies at a time when conservation of fuel is increasingly important.

Mr. President, identical legislation to provide for year-around daylight saving has been introduced in the other body by Representative CRAIG HOSMER of California. I think he is to be commended for his leadership and I am delighted to join with him in proposing this progressive change.

Mr. President, passage of this legislation would eliminate for all time, the biannual and confusing process of pushing the hands of clocks forward and backward.

We could, next April set our clocks ahead for the last time, assured that from that time forward we would be making better use of available daylight throughout the year.

Mr. President, I ask unanimous consent that there also be printed in the RECORD an excellent editorial on this subject from the Standard Times of North Kingstown, R.I.

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

RESOLUTION FOR A YEAR-'ROUND SYSTEM OF DAYLIGHT SAVING TIME

Whereas, A uniform and coordinated system of reckoning time throughout the several states is convenient and necessary for the proper and efficient carrying on of interstate commerce; and

Whereas, By the "Uniform time act of 1966" (P.L. 89-387; U.S.C. 15 section 260 et seq.), Congress provided for such a uniform and coordinated system, including the observance of Daylight Saving Time (except in those states which by law omit such observance) during the summer months, from 2:00 A.M. on the last Sunday of April until 2:00 A.M. on the last Sunday of October of each year; and

Whereas, The benefits of Daylight Saving Time, in providing an extension of natural light into the evening hours, have been almost universally acknowledged, not only in the United States, but also in many foreign nations, some of which currently observe it on a year-'round basis; and,

Whereas, The return each fall to Standard Time, whereby winter sunset occurs at 5:00 P.M. and earlier in most latitudes of the United States, causes an undesirable encroachment of darkness upon the latter part of the active day, requiring an unnecessary and undesirable drain upon valuable and increasingly scarce power resources to supply artificial light, creating conditions hazardous to vehicular and pedestrian traffic during a peak travel period, and offering unduly propitious conditions for violent and predatory criminal acts upon the streets and thoroughfares of many urban areas; and,

Whereas, The value of Daylight Saving Time as a conservation measure, reducing the consumption of fuel for power generation (and the concomitant effusion of pollutants), was recognized by the Congress in providing for year-'round observance of this time reckoning during the war emergency period from February, 1942, to October, 1945; and

Whereas, Urgent current needs for conservation of energy sources, control of pollution, deterrence of street crime and reduction of the human suffering and property damage due to accidents combine to support the advisability of a permanent year-'round advance in the system of time reckoning; and

Whereas, Resolutions substantially identical to this have been submitted for the consideration of the Lgislatures of the several states comprised, in whole or in part, in the Eastern Time Zone, for the purpose of permitting and encouraging a uniform expression and representation to the Congress by the said states acting in concert; now, therefore, be it

*Resolved*, That the house of representatives memorializes congress to enact appropriate legislation for the uniform and coordinated observance of a year-'round system of Daylight Saving Time; and be it further

*Resolved*, That the secretary of state be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the members of the Rhode Island delegation in the congress of the United States, the vice president of the United States and the speaker of the house of representatives of the United States.

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[From the Standard-Times, Mar. 1, 1973]

DAYLIGHT SAVINGS

With the official end of winter less than three weeks away, thoughts of warm weather and longer days go far in helping dispel the uncomfortable effects of winter's last efforts.

But at least one Rhode Island legislator feels the state, and indeed the country, could take a practical step in eliminating at least part of winter's gloominess and accrue the added benefits of improved public safety, a reduction in street crimes and a conservation in resources.

All this, says Rep. Peter J. Coelho (D-Dist. 84) of East Providence, could be accomplished if only the country would adopt Daylight Savings Time throughout the year.

Mr. Coelho feels so strongly on the matter that he recently introduced a resolution into the Rhode Island House urging Congress to set up legislation to provide for Daylight Savings Time year-round in all states.

The benefits of such a change would be manyfold. By moving the clocks ahead an hour, workers in midwinter getting out at 4:30 or 5 p.m. will find plenty of daylight remaining—safer for walking and driving home.

School children staying late for after-school activities can still come home in daylight and those who come home at the regular time will find more outdoor activity time.

In midwinter, darkness falls at the most inopportune time—when traffic is heavy, people are tired, nerves are frayed from daylong tasks and when street criminals begin their activities. In cities, especially, extended daylight could alleviate many problems.

Mr. Coelho also feels that the later advent of darkness could result in a reduction of power demand. Some plants and offices, for example, would need less artificial light if they close up for the day while it is still daylight.

Reduced power consumption would result in reduced usage of natural resources such as fuel needed to generate electricity. The representative noted that during World War II, the country was on Daylight Savings Time all year-round for nearly three years to conserve fuel.

Objectors to the proposal point out that while an hour of daylight would be gained in the afternoon, an hour would be lost in the morning, meaning more poeple would have to go to work in darkness or near darkness. Proponents argue, however, that the advantages of more daylight at the end of the day far outweight the disadvantages of a later dawn.

We agree and would hope that Congressional leaders seriously consider the resolution from Mr. Coelho and those similar requests from a growing number of other states.

While not as critical, one of the most popular benefits of switching to full-time Daylight Savings Time would be the elimination of the often perplexing question most of us ask each spring and fall—"Let's see, do we move it an hour ahead or . . .?"

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S. 1260

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 of the Uniform Time Act of 1966 (15 U.S.C. 260a) is repealed.

SEC. 2. The Act of March 19, 1918 (15 U.S.C. 261–264), is amended—

(1) by striking out in the second sentence of the first section of such Act "Except as provided in section 3(a) of the Uniform Time Act of 1966, the standard time of the first zone shall be based on the mean solar time" and inserting in lieu thereof "The standard time of the first zone shall be based on the mean solar time (advanced one hour)"; and

(2) by adding after section 5 of such Act the following new section:

"SEC. 6. (a) It is hereby declared that it is the express intent of Congress by this Act to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for the observance of a time within any zone different from that specified in the first section for such zone.

"(b) For any violation of the provisions of the first section of this Act the Secretary of Transportation or his duly authorized agent may apply to the district court of the United States for the district in which such violation occurs for the enforcement of that section; and such court shall have jurisdiction to enforce obedience thereto by writ of injunction or by other process, mandatory or otherwise, restraining against further violations of that section and enjoining obedience thereto."

SEC. 3. The amendments made by this Act shall take effect at 2 o'clock ante meridian on January 6, 1974.

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By Mr. MOSS (for himself, Mr. BENNETT, Mr. HANSEN, and Mr. MCGEE):

S. 1261. A bill to facilitate the incorporation of the reclamation townsite of Page, Ariz., Glen Canyon unit, Colorado River storage project, as a municipality under the laws of the State of Arizona, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MOSS. Mr. President, I am today introducing for myself, and Mr. BENNETT, Mr. HANSEN, and Mr. MCGEE, a bill to transfer, without cost, to the city of Page, Ariz., certain Federal properties and facilities not deemed necessary for the operation of Glen Canyon Dam, and to withdraw the use of money from the Upper Colorado River Basin fund for the maintenance, operation, and administration of the city.

The basic purpose of this legislation is to correct a situation that has persisted for a number of years due to operations of the executive branch in a manner never intended by the framers of the Colorado River Storage Project Act of 1956. That law was enacted by the Congress in 1956 to make possible the conservation, development, and utilization of the water resources of the Upper Colorado River Basin in my State of Utah and her sister States—Colorado, Wyoming, and New Mexico.

The city of Page is now drawing about half a million dollars each year from the Upper Colorado River Basin fund which was intended to be used for paying costs of construction, interest costs, and operation and maintenance charges of the Colorado River storage project and participating projects, including the Glen Canyon Dam and Reservoir on the Colorado River near the Utah-Arizona border.

The fund was created to receive all revenues derived from sales of electric power and water of the storage project and from which expenditures for operation and maintenance, interest charges, return of capital costs of the project to the U.S. Treasury are to be made. Revenues in the basin fund in excess of those used for the specified purpose are earmarked on percentage bases for aiding in paying for future water developments in the four states—subject, of course, to authorization and appropriations by the Congress.

In 1956 southern Utah and northern Arizona were vast expanses of barren desert. There were no roads and no habitable communities in close proximity to the Glen Canyon Dam site. The settlement of Page, Ariz., was constructed to provide housing and other essential services for the men and their families who were required to endure the hardships of a remote western desert while constructing and operating Glen Canyon Dam and powerplant. Page became a first-class reclamation construction town. As such, it was proper to charge the cost of municipal operations to the account of the Glen Canyon storage unit, and, consequently, to the Upper Basin Fund.

At the peak of construction on the dam in 1962, Page had a population of 6,100. By 1967, after completion of construction, the population dropped to 1,280, part of which was directly involved in operation and maintenance of the Glen Canyon storage unit.

In 1968, as an integral and necessary part of the central Arizona project, the Congress authorized construction of the Navajo powerplant near Page. The community now is the residence of over 6,000 people. In a year or two it is expected that 7,000 to 8,000 persons, or maybe more, will reside there. After the Navajo powerplant is completed it is anticipated that the population will stabilize at about 5,000 or 6,000 citizens. Many of these people will be associated with the operations of the powerplant; some will be retirees seeking a nice place to live. Others will be operating new businesses and services principally related to the recreation industry.

With the increases in population the costs of municipal functions and operations of municipal facilities have increased correspondingly. The preponderance of these facilities and functions have no direct relationship to the operation and maintenance of the Glen Canyon storage unit. In fact, only a very minor proportion of them could be termed essential. Page has evolved from a reclamation construction town to an extremely pleasant, attractive business and recreation center.

Mr. President, let me review some of the basic facts and related statistics on this matter:

First. For several years since the construction of Glen Canyon Dam, the Secretary of the Interior has continued financing municipal operations and capital improvements of Page, Ariz., by using money from the upper basin fund. Almost every type of activity is still being subsidized: City administration, police force, municipal buildings, streets, parks, playgrounds, water system, sewer system, garbage disposal, et cetera. For instance, for fiscal 1972 the cost of operation and maintenance and capital improvements and expansion for the increasing population of Page was $1,005, 024, not counting depreciation. The income, including payments of service fees by citizens amounted to $197,839, leaving $807,185 subsidized by the upper basin fund.

Second. The use of revenues of the upper basin fund for paying costs of municipal operations after construction of the Glen Canyon storage unit was never intended under section 5 of the Colorado River Storage Project Act.

Third. A study by specialists in municipal affairs at Arizona State University shows that the population of Page is well above the level where prospective revenues to an incorporated community are sufficient to meet projected expenses. The population is now approximately 6,200, and it is expected to reach 8,000 in a year or two.

Fourth. Page, Ariz., is no longer one of the "facilities of the Colorado River storage project," but is, instead, predominantly a community devoted to commercial businesses and other enterprises independent of the storage project.

Fifth. Net costs of operating the community to the upper basin fund on June 30, 1972, amounted to $4.5 million, in rounded figures. Depreciation brought the figure to $6.9 million. Of the net costs of $4.5 million, $4.1 million have been incurred since 1960. Net annual operating costs to the fund have ranged from $150,000 in 1960 to $509,000 in 1971. The average net cost of municipal operations for the past 3 years is $425,000.

For fiscal years 1964 through 1972, since the completion of Glen Canyon Dam, $898,000 have been spent on capi-

tal improvements for expansion and new additions. Of this sum, $460,000 were spent in fiscal 1972 showing the effects of population growth due to the construction of the Navajo powerplant, the influx of retirees, and perhaps the inclination on the part of the administration to charge the cost of as many new additions as possible to the upper basin fund before the community is incorporated.

Sixth. Projected administrative, operation and maintenance, and capital improvement costs, according to fiscal year 1974 preliminary budget figures of the Bureau of Reclamation, amount to $1,094,000 for 1973 and $693,000 for 1974, or a total of $1,787,000 for the 2 fiscal years. Of this sum, $979,000 are to be used for such capital improvements as water supply and distribution lines, new streets, walks, and other additions.

Furthermore, the Department of the Interior has spent, or is contemplating spending, approximately $1.5 to $2 million in Page for operating expenses and capital improvements during fiscal years 1973 and 1974. This money will be extracted from the upper basin fund. This is patently not fair to the upper basin States. I am sure that the proponents of the Colorado River Storage Act never intended that the upper basin should be used to subsidize Page long after the dam was constructed, and long after other people, pursuing different objectives, had become the preponderant population in the town, or were using its facilities.

I firmly believe that in the interest of equity, all of these charges should not be made against the upper basin fund. Nor should Page continue to be subsidized half a million dollars per day by the storage project. The correction of this situation is long overdue, especially when all of the evidence points to the fact that the Page community will have a self-supporting incorporated city.

The legislation that I am introducing will facilitate incorporation of the community by providing millions of dollars worth of assets as a starter. The bill will authorize the transfer of 10,717 acres of land and improvements thereon to the new city. Retained by the Federal Government, of course, would be those lands and facilities necessary for the operation and maintenance of Glen Canyon Dam and Reservoir. Homes and lots that have already been sold to citizens will be excepted from the transfer and remain in private ownership. Also, the school buildings will be transferred directly to an appropriate school district.

This legislation will also assign to Page sufficient water supply from Lake Powell for 9,000 to 11,000 people—subject to the "law of the river" as expressed in the Colorado River compact and Upper Colorado River Basin compact.

In order to ease the vicissitudes of the transition, from a Federal community to an incorporated city, a direct grant of $330,000 will be made to the city fathers. Another grant of $50,000 will go to the Page Hospital as a revolving fund so that it can continue efficient, self-liquidating operation. The Department of the Interior will be authorized to pump domestic and municipal water into the city's water system for a limited time without cost. A number of specified capital improvements and repair and maintenance items will be authorized to be completed at a cost of about $500,000. Included are a number of street expansions and improvements, new curbs and gutters, water system repairs, sprinkler system for the cemetery and, also, the taking of a population census.

My bill provides for generous annual payments in lieu of taxes to the city from the Upper Colorado River Basin fund to cover property taxes not forthcoming because of Federal retention and use of property needed directly in the operation and maintenance of the Glen Canyon storage unit.

This legislation likewise authorizes a congressional appropriation to pay for the capital improvement work, the transfer of municipal functions, financial grants and other costs associated with creating the municipality.

The bill also directs the Secretary of the Interior, in the event municipal incorporation is not accomplished by December 31, 1974, to make Page self-supporting beginning January 1, 1975, by increasing rates for services and other applicable charges for the community to amounts sufficient to cover the costs of administration, maintenance, and operation of municipal facilities and functions—except those directly necessary in the operation and maintenance of the Colorado River storage project. By December 31, 1974, there will have been at least two opportunities for the people of the area to create their city under the laws of the State of Arizona. This is more than ample time, if they sincerely desire to have the advantages that are available to municipal corporations under county ordinances, State laws, and Federal laws.

Mr. President, this bill allows the U.S. Government to correct a glaring example of fiscal irresponsibility by withdrawing from the ownership and operation of the community of Page, Ariz., which is costing the Government millions of dollars. It will also give the people there the opportunity for self-government, with considerable Federal assistance to start them on a financially sound and practicable course. It repeats the process used in the past. The Government will be doing everything it can to alleviate the birth pangs of incorporation, and helping to start as a well-established municipality.

This legislation is not based on any new concepts. Similar laws have been enacted by the Congress to transfer Federal functions, responsibilities, properties and facilities to incorporated cities. Two instances that are comparable are the city of Grand Coulee, Wash., and Boulder City, Nev., at Hoover Dam on the Colorado River. Both of these fine communities were sprouted as reclamation construction villages.

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

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

S. 1261

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the purpose of this Act to separate that unincorporated area in Coconino County in the State of Arizona commonly known as the town of Page, Arizona, from the Colorado River storage project in order that the United States may withdraw from the ownership and operation of the town and the people of that area may enjoy self-government, and to facilitate the establishment by the people of a municipal corporation under the laws of the State of Arizona by the transfer of certain Federal property described in section 3 of this Act.

SEC. 2. The following definitions shall apply to terms used in this Act:

(a) The area referred to herein as Page, Arizona, includes the following described land:

PAGE TOWNSITE, ARIZONA

Gila and Salt River Meridian, Arizona

| | Acres |
|---|---|
| Township to north, range 8 east: | |
| Section 1. All | 688.91 |
| Section 2. East half southwest quarter, southeast quarter | 240.00 |
| Section 11. East half | 320.00 |
| Section 12. All | 639.68 |
| Township 11 north, range 8 east: | |
| Section 25. South half, southwest quarter southeast quarter, southeast quarter southeast quarter | 60.00 |
| Section 36, East half, south half northeast quarter northwest quarters, east half southwest quarter northwest quarter, southeast quarter northwest quarter, northeast quarter southwest quarter, east half northwest quarter south west quarter, south half southwest quarter | 540.00 |
| Township 40 north, range 9 east: | |
| Section 4. All | 639.48 |
| Section 5. All | 639.84 |
| Section 6. All | 622.74 |
| Section 7. All | 623.68 |
| Section 8. All | 610.00 |
| Section 9. All | 610.00 |
| Township 41 north, range 9 east: | |
| Section 19. East half southwest quarter, southeast quarter | 210.00 |
| Section 20. South half | 320.00 |
| Section 21. West half southwest quarter, west half southeast quarter southwest quarter, southeast quarter southeast quarter southwest quarter, southwest quarter southwest quarter southeast quarter | 120.00 |
| Section 28. West half northeast quarter, northwest quarter southeast quarter northeast quarter, south half southeast quarter northeast quarter, west half, southeast quarter | 590.00 |
| Section 29. All | 610.00 |
| Section 30. All | 641.00 |
| Section 31. All | 612.00 |
| Section 32. All | 610.00 |
| Section 33. All | 610.00 |
| Total | 10,717.56 |

(b) The term "municipality" shall mean Page, Arizona, after its incorporation as a municipality under the laws of the State of Arizona.

(c) The term "Secretary" shall mean the Secretary of the Interior.

(d) The term "municipal facilities" shall mean certain land, and the improvements thereon, in Page, Arizona, such as hospital, police and fire protection systems, sewage and refuse disposal plants, water treatment and distribution facilities, streets and roads,

parks, playgrounds, airport, cemetery, municipal government buildings, and other properties suitable or usable for local municipal purposes, including any fixtures, equipment, or other property appropriate to the operation, maintenance, replacement, or repairs of the foregoing, which are owned by the United States and under the jurisdiction of the Department of the Interior, Bureau of Reclamation, on the date of the incorporation of Page, Arizona.

SEC. 3. Upon incorporation of Page, Arizona, as a municipality under the statutes of the State of Arizona, the Secretary shall:

(a) Transfer to the municipality without cost, subject to any existing leases granted by the United States, all improved or unimproved lands within Page, Arizona, owned by the United States, which the Secretary determines are not required in the administration, operation, and maintenance of Federal activities within or near Page Arizona, and can properly be included within the municipality under the laws of the State of Arizona, except the land to be transferred pursuant to subsection (b) hereof, and to assign to the municipality without cost any leases granted by the United States on such land.

(b) Transfer to the municipality without cost all rights, title, and interest of the United States in and to any land, and the improvements thereon, which may be contained in any reversionary clause of any dedication deed for land in Page, Arizona, issued by the United States.

(c) Transfer all activities and functions of a municipal character being performed by the United States to the municipality subject to the provisions of sections 4 and 7 of this Act.

(d) Transfer to the appropriate school district without cost all right, title, and interest of the United States to the land in block 14–A and lot 1, block 16, as shown on United States Department of the Interior, Bureau of Reclamation drawing numbered 557–431–87, April 29, 1971, together with improvements thereon owned by the United States at the date of such transfer.

(e) Transfer to the municipality without cost to the municipality facilities, as defined in subsection 2(d) of this Act, except as provided under subsection 4(a).

(f) Assign to the municipality without cost those contracts to which the United States is a party, and which pertain to activities or functions to be transferred under subsection (c) of this section and are properly assignable. This shall include contracts for furnishing water outside the boundaries of Page, Arizona, utilizing the municipal system: *Provided*, That the contract which the United States has executed with a private utility for furnishing and distributing electrical energy to the municipality shall be assigned to the municipality upon its request: *And provided further*, That in the assignment of the contract for the operation of the Page Hospital the $50,000 operating fund under said contract shall be transferred to the municipality for the same purpose as a part of the assignment of said contract.

SEC. 4. There is hereby reserved for the Glen Canyon unit, Colorado River Storage Project, the consumptive use of not to exceed three thousand acre-feet of water per year from Lake Powell, of which not to exceed two thousand seven hundred and forty acre-feet of consumptive use of water are hereby assigned to the municipality, consistent with the Navajo Tribal Council resolution numbered CJN–50–69, dated June 3, 1969: *Provided*, That upon incorporation the municipality shall enter into a contract satisfactory to the Secretary covering payment for and delivery of such water pursuant to the Colorado River Storage Project Act of June 11, 1956 (70 Stat. 105), which contract shall among other things provide that:

(a) The reservation and assignment of the consumptive use of water from Lake Powell under this section shall be subject to the apportionments of consumptive use of water to the State of Arizona in article III of the Colorado River Compact and article III(a) (1) of the Upper Colorado River Basin Compact.

(b) Title to the water pumping and conveyance systems within the Glen Canyon Dam and powerplant necessary to supply water to the municipality for culinary, industrial, and municipal purposes shall be retained by the United States until the Congress provides otherwise.

(c) Such retained facilities shall be operated and maintained by the Secretary at the expense of the United States until termination of the third fiscal year following the year of incorporation. Not to exceed two thousand seven hundred and forty acre-feet of water per annum, or three million gallons of water in any twenty-four-hour period, will be pumped by the United States from Lake Powell to the water treatment plant, or to such intermediate points of delivery as shall be mutually agreed upon by the municipality and the United States for use by the municipality.

(d) Beginning with the fourth fiscal year following the year of incorporation the municipality shall in each year pay to the United States the annual costs, including depreciation of the pumping equipment, involved in paragraph (c) above.

(c) Upon incorporation and at all times thereafter, the municipality shall bear all costs for operation, maintenance, and replacement of the municipal water system beyond Glen Canyon Dam and powerplant, including but not limited to filtration, treatment and distribution of water supplied pursuant to the water service contract with the United States.

SEC. 5. As soon as reasonably practicable after incorporation of the community, the Secretary is hereby authorized to complete all or any part of the following work:

(a) Take census of population of the municipality within one year following incorporation.

(b) Repair existing twelve-inch water-supply line, if inspection determines this is necessary.

(c) Paint interior of water storage reservoir.

(d) Seal coat paved streets in municipality.

(e) Install water sprinkler system in Page cemetery.

(f) Improve streets, install curbs, gutters, and sidewalks as follows:

(1) North Navajo Drive:

(i) Pave streets to seventy-foot width from Ninth Avenue to relocated intersection of Aero Avenue and sixty-one-foot width from Aero Avenue to Tenth Avenue.

(ii) Place curb, gutter, and sidewalk on east side of North Navajo Drive from Aero Avenue to Tenth Avenue.

(2) Aero Avenue from North Navajo Drive to Future Street:

(i) Widen existing thirty-foot paved width to seventh-foot paved width.

(ii) Place curb, gutter, and sidewalk on both sides of street.

(3) Tenth Avenue from Future Street to Sandstone Street:

(i) Construct new pavement on north half of street and overlay south half of street.

(ii) Place curb and gutter only on north side of street.

(4) Future Street—Approximately two thousand one hundred fifty feet beginning at Tenth Avenue and bordering east side of block 101 as shown on Page townsite and block plats:

(i) Pave street to fifty-two-foot width.

(ii) Place curb, gutter, and sidewalk on west side of street and curb and gutter only on east side of street.

*Provided*, That in the performance of the work authorized in this section, the Secretary may either cause the work to be done or transfer funds to the municipality for this purpose after ascertaining that each segment of work will be accomplished by a date certain and to standards satisfactory to the Secretary.

SEC. 6. (a) Upon incorporation the Secretary is authorized to make a lump-sum payment of $330,000 to the municipality as assistance to the municipality in meeting the expenses of police and fire protection facilities and services, sewerage system, refuse disposal, electrical distribution system, water treatment and distribution, streets and roads, library, parks, playgrounds and other recreational facilities, municipal government buildings, and other properties and services required for municipal purposes.

(b) To make a lump-sum payment of $50,000 to the municipality for improvements to the Page Hospital.

SEC. 7. Upon incorporation, the United States will provide to the municipality, upon its request, the services of Federal personnel to assist in the transition from a federally administered community to a self-governing municipal corporation: *Provided*, That such assistance shall be for a maximum of six months following the date of incorporation: *And provided further*, That the total number of such employees shall be limited to ten at any time.

SEC. 8. (a) Beginning with the fiscal year of incorporation of the municipality, the Secretary is authorized to pay annually to the municipality from revenues accrued in the Upper Colorado River Basin Fund a sum equal to 150 per centum of the taxes that would have been paid on property retained by the United States within the municipality that is required in the administration, operation, and maintenance of the Glen Canyon unit of the Colorado River Storage Project were said property in private ownership.

(b) Except as herein specifically provided, no assets of the Colorado River Storage Projects or moneys of the Upper Colorado River Basin Fund shall be utilized after incorporation of the municipality for carrying out the provisions of this Act.

(c) There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, not to exceed $1,000,000 to carry out the purposes of this Act.

SEC. 9. The Secretary is hereby authorized, subject only to the provisions of this Act, to perform such acts, to delegate such authority, and to prescribe such rules and regulations, and establish such terms and conditions as he may deem necessary and appropriate for the purpose of carrying out the provisions of this Act.

SEC. 10. All authority of the Secretary under sections 1 through 9 of this Act shall terminate five years following date of enactment unless incorporation of Page, Arizona, shall previously have been achieved.

SEC. 11. In the event the community of Page, Arizona, has not been incorporated under the laws of the State of Arizona on or before December 24, 1974, the Secretary is hereby directed, commencing January 1, 1975, to increase rates for services and other applicable charges for the community of Page, Arizona, to amounts sufficient that the sum thereof will cover all costs of administration, operation, and maintenance of municipal facilities or functions in Page, Arizona, except for those directly necessary for the administration, operation, and maintenance of the Glen Canyon unit of the Colorado River Storage Project.

SEC. 12. This Act may by cited as the "Page, Arizona, Community Act of 1973".

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By Mr. PELL (for himself, Mr. MAGNUSON, Mr. PASTORE, and Mr. HOLLINGS):

S. 1262. A bill to extend and make technical corrections to the National Sea

Grant College and Program Act of 1966, as amended. Referred to the Committees on Labor and Public Welfare and Commerce, jointly by unanimous consent.

Mr. PELL. Mr. President, I am introducing today legislation to extend the authorization for the National Sea Grant College program.

Joining me in sponsoring this legislation are the distinguished senior Senator from Washington (Mr. MAGNUSON) my distinguished senior colleague from Rhode Island (Mr. PASTORE) and the distinguished junior Senator from South Carolina (Mr. HOLLINGS).

As the Senate sponsor of the legislation that established the Sea Grant College program in 1966, I have followed closely the executive management, the development and achievements of the program.

The Sea Grant College program has proven itself to be the most innovative and productive program in the marine sciences instituted during the past decade. The program continues to receive enthusiastic support from all segments of the oceanographic community—educators, scientists and engineers, marine-oriented industry, and fishermen.

In addition, and I believe this is important, the program has gained strong support from State government officials. In many coastal States, the State governments have turned to the resources of the Sea Grant institutions for the technical assistance necessary for management of coastal zone resources.

In my own State of Rhode Island, for example, the Graduate School of Oceanography at the University of Rhode Island, a Sea Grant institution, has been designated by the State government as the research center for the State's Coastal Zone Council. The university, with the help of Sea Grant funds, is able to provide to the State government the sound basis of fact on which to determine policies for maximum public benefit from the State's coastal zone. Sea Grant institutions are providing similar assistance in other States.

In only one respect has the Sea Grant College program lacked adequate support—and that is in budgetary support from the Federal Government. The program has developed in an orderly and efficient manner from its infancy, with an appropriation of $5 million to its current appropriation of less than $20 million.

The legislation I am introducing today would authorize appropriations for the next 3 years of $30, $40, and $50 million.

In addition, the legislation would direct and authorize the Secretary of Commerce, through the Sea Grant College program, to conduct a study of means of sharing with other nations through appropriate cooperative programs the results of marine research useful in exploring, developing, and conserving coastal marine resources.

I believe such a study is of vital importance to the continuation in the future of the long tradition of freedom of oceanographic research. As the acknowledged world leader in marine research, the United States conducts oceanographic exploration and research in waters throughout the world. There is growing concern, however, that the freedom to conduct this research may be restricted through changes in existing international law.

Other nations, and particularly the developing nations, have become understandably concerned over research conducted in waters off their coasts. Their concern is based, in part, on the fact that they lack the technological ability to make use of the research findings, and in part a suspicion that scientific research by the United States may be a prelude to economic exploitation of ocean resources.

At the meeting of the United Nations Committee on Peaceful Uses of the Seabeds in Geneva in August of last year, the United States moved to meet these apprehensions on the part of other nations by offering to share with those nations the marine technology required to make productive use of oceanographic research.

The sea-grant college program, through its established liaison with industry, universities, and users of marine technology is ideally suited to conduct a study of the means providing for this sharing of knowledge.

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

By previous agreement with the chairman of the committees involved, I ask that the bill be referred jointly to the Committee on Labor and Public Welfare and to the Committee on Commerce.

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

S. 1262

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the National Sea Grant College and Program Act of 1966, as amended, is further amended as follows:

(1) In section 203(b)(1), insert after "for the fiscal year ending June 30, 1973, not to exceed the sum of $30,000,000," the following: "for the fiscal year, ending June 30, 1974, not to exceed the sum of $30,000,000, for the fiscal year ending June 30, 1975, not to exceed the sum of $40,000,000, and for the fiscal year ending June 30, 1976, not to exceed the sum of $50,000,000,".

(2) In section 204(a), delete subscript "(1)"; and delete all after "in any such fields", substituting a period therefor.

(3) In section 204(d)(1), after the first sentence insert the following: "The Secretary may grant total payments that exceed such per centum with respect to those programs or portions of programs requested by the Secretary on his own initiative, upon his determination that the requirement for payments of 33⅓ per centum of the cost thereof by the participant would be inequitable relative to the benefits which the participant would receive therefrom. The total amount of payments to be made by the Federal Government under all programs and portions of programs as to which the Secretary shall in any fiscal year exercise his authority under the preceding sentence to reduce or eliminate matching payments by the participant shall not exceed 1 percent of the funds appropriated under this Act for such fiscal year."

(4) In section 204(1)(3), after "marine resources" insert "and which is so designated by the Secretary".

(5) In section 204(1), add a new definition as follows:

"(5) the term 'vessel' means every description of water craft or other artificial contrivance used or capable of being used as a means of transportation on water but does not include non-self-propelled habitats, buoys, platforms, and other devices or structures used principally for research purposes.".

(6) Amend section 205 to read as follows:

"STUDY OF INTERNATIONAL MARINE TECHNOLOGY TRANSFER

"SEC. 205. (a) The Secretary of Commerce is authorized and directed to undertake, through the National Sea Grant College Program, a study of the means of sharing, through cooperative programs with other nations, the results of marine research useful in the exploration, development, conservation, and management of marine resources.

"(b) In carrying out the study required by subsection (a), the Secretary is authorized, without regard for paragraphs (1) and (3) of section 204(d), to enter into contracts with, and make grants to, institutions, agencies, and organizations described in section 204(c).

"(c) The Secretary shall submit to the President and to the Congress the results and findings of such study, including specific recommendations, not later than June 30, 1974.

"(d) For the purpose of carrying out this section there is authorized to be appropriated not to exceed the sum of $100,000."

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By Mr. SYMINGTON (for Mr. STENNIS and Mr. THURMOND) (by request):

S. 1263. A bill to authorize appropriations during the fiscal year 1974 for 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 for other purposes. Referred to the Committee on Armed Services.

Mr. SYMINGTON. Mr. President, by request, for Senator STENNIS and Senator THURMOND, I introduce, for appropriate reference, a bill to authorize appropriations during the fiscal year 1974 for 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 for other purposes.

I ask unanimous consent that a letter of the legislation and explaining its purof transmittal requesting consideration pose be printed in the RECORD immediately following the listing of the bill.

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

S. 1263

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

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1974 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons as authorized by law, in amounts as follows:

Aircraft

For aircraft: for the Army, $181,000,000; for the Navy and the Marine Corps, $2,958,300,000; for the Air Force, $2,912,800,000.

Missiles

For missiles: for the Army, $599,900,000; for the Navy, $680,200,000; for the Marine Corps, $32,300,000; for the Air Force, $1,573,200,000.

Naval Vessels

For naval vessels: for the Navy, $3,901,800,000.

Tracked Combat Vehicles

For tracked combat vehicles: for the Army, $201,700,000; for the Marine Corps, $46,200,000.

Torpedoes

For torpedoes and related support equipment: for the Navy, $219,900,000.

Other Weapons

For other weapons: for the Army, $51,300,000; for the Navy, $41,900,000; for the Marine Corps, $700,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1974 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $2,108,700,000;

For the Navy (including the Marine Corps), $2,711,700,000;

For the Air Force, $3,212,500,000; and

For the Defense Agencies, $525,000,000, of which $24,600,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

TITLE III—ACTIVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1973, and ending June 30, 1974, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 803,806;

(2) The Navy, 566,320;

(3) The Marine Corps, 196,419;

(4) The Air Force, 666,357.

except that the ceiling for any armed force shall not include members of the Ready Reserve of such armed force ordered to active duty under the provisions of section 673 of title 10, United States Code, members of the Army National Guard or members of the Air National Guard called into Federal service under section 3500 or 8500, as the case may be, of title 10, United States Code, or members of the militia of any State called into Federal service under chapter 15 of title 10, United States Code. Whenever one or more units of the Ready Reserve are ordered to active duty after the date of enactment of this section, the President shall, on the first day of the second fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding six-month period thereafter, so long as any such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each such unit as the President deems appropriate.

TITLE IV—RESERVE FORCES

SEC. 401. For the fiscal year beginning July 1, 1973, and ending June 30, 1974, the Selected Reserve of each Reserve component of the Armed Forces will be programmed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 379,144;

(2) The Army Reserve, 232,591;

(3) The Naval Reserve, 116,981;

(4) The Marine Corps Reserve, 39,735;

(5) The Air National Guard of the United States, 52,291;

(6) The Air Force Reserve, 49,773;

(7) The Coast Guard Reserve, 11,300.

SEC. 402. The average strength prescribed by section 401 of this title for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE V—GENERAL PROVISIONS

SEC. 501. Subsection (a)(1) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a)(1) Not to exceed $2,100,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos; and for related costs, during the fiscal year 1974 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos; Provided, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

This Act may be cited as the "Department of Defense Appropriation Authorization Act, 1974."

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GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
*Washington, D.C., January 29, 1973.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: There is forwarded herewith proposed legislation "To authorize appropriations during the fiscal year 1974 for 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 for other purposes." This proposal is a part of the Department of Defense legislative program for the 93rd Congress, and the Office of Management and Budget has advised that enactment of the proposal would be in accord with the program of the President. This proposal is being sent to the Speaker of the House.

This proposal would provide authorization for appropriations as needed for procurement in each of the categories of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and for other weapons for each of the military departments in an amount equal to the new obligational authority included in the President's budget for fiscal year 1974. In addition, the proposal would provide fund authorization in amounts equal to the new obligational authority included in the President's budget for fiscal year 1974 in total for each of the research, development, test and evaluation appropriations for the military departments and the defense agencies.

Title III of the proposal prescribes the end strength for active duty personnel for each component of the Armed Forces as required by subsection (d)(1) of section 412 of Public Law 86-149, as amended, in the number provided for by new obligational authority in appropriations requested for these components in the President's budget for fiscal year 1974.

Title IV of the proposal provides for the average strengths of the Selected Reserve of each Reserve component of the Armed Forces in the number provided for by the new obligational authority in appropriations requested for these components in the President's budget for fiscal year 1974.

This proposal would also include for fiscal year 1974 language authorizing appropriations of the Department of Defense to be made available for the support of the (1) Vietnamese, and other Free World Forces in Vietnam, and (2) local forces in Laos, the terms of which are identical to the most recent congressional actions on Department of Defense Authorization and Appropriation Acts for this purpose.

The reporting requirements of subsection (b) of section 401 of Public Law 89-367, as amended, are considered permanent and would be equally applicable to this provision.

Section 604 of Public Law 92-436, September 26, 1972 imposed certain new requirements on the Department of Defense by amending section 412 of Public Law 86-149 by adding subsection (e) which (1) requires authorization each fiscal year beginning with FY 1974 of the average military training student loads, and (2) requires an annual written report to Congress beginning March 1, 1973, recommending the average student load for each category of training for the next three fiscal years. The data necessary to comply with these requirements is being developed. As soon as this data is available, but no later than March 1, 1973, the required report will be submitted to the Congress together with the necessary provision for inclusion in this proposal to authorize the annual average military training student load.

Applicable statements related to environmental impact are also being provided as required by section 102(2)(c) of Public Law 91-190.

Sincerely,

J. FRED BUZHARDT.

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By Mr. STEVENSON (for himself and Mr. HART, Mr. PROXMIRE, Mr. PERCY, Mr. HARTKE, Mr. JAVITS, Mr. TAFT, Mr. SCHWEIKER, Mr. INOUYE, Mr. NELSON, Mr. BAYH, and Mr. HUMPHREY):

S. 1265. A bill to amend the Coastal Zone Management Act of 1972 for the purpose of determining the causes and means of preventing shoreline erosion;

S. 1266. A bill to amend 33 U.S.C. 426 for the purpose of authorizing the Army Corps of Engineers to undertake Emergency Erosion Control Projects;

S. 1267. A bill to amend the Disaster Relief Act of 1970 for the purpose of making clear that disaster assistance is available to those communities affected by extraordinary shoreline erosion damage; and

S. 1268. A bill to amend 33 U.S.C. 426 for the purpose of providing the right of reimbursement to local interests for undertaking repair of shore damages attributable to Federal navigation works pursuant to section 4261. Referred to the Committee on Public Works.

Mr. STEVENSON. Mr. President, rapidly accelerating erosion of our shorelines, aggravated in the Great Lakes by recordbreaking water levels, presents a serious problem. Based on my own experience with Lake Michigan, I believe it is a problem we are not fully prepared to face either in terms of understanding the causes or providing the resources to protect against its effects.

I fully support recent efforts by the Great Lakes Congressmen to take all reasonable steps to lower Great Lakes water levels. Under the best of circumstances, however, this will only reduce lake levels by several inches as we head into a stormy spring during which lake levels are expected to continue rising. Lowering levels will help, but clearly more is needed to save valuable shorelines along the Great Lakes as well as the Nation's seacoasts. I am, therefore, introducing four bills to provide a better long-range understanding of erosion causation and to provide increased Federal resources for immediate protection.

A number of recent studies by noted geologists at the University of Michigan, the Lake Michigan Federation, and the National Park Service raise some very serious questions about our past approach to erosion control. The proliferation of manmade structures built off our shorelines and the consequent increase in shoreline erosion have caused these geologists to relate the effect of such construction on normal current patterns to the ecological damage along the beaches. Underwater currents run parallel to the shoreline and deposit sand which create underwater sandbars along the shoreline. These sandbars act as a natural defense for the beaches against the erosive action of incoming waves.

When a manmade structure is built perpendicular to the beach, it interrupts the along-shore currents and causes turbulence on the downside of the structure. This turbulence destroys the sand bars, stripping the beaches of their natural defense against the waves and opening the way for accelerating erosion. As the turbulence destroys more of the sandbars, the erosion progresses down the beach. Historically, those farther down the beach have erected their own breakwaters in an effort to protect themselves against the advancing erosion. This further interrupts the natural shoreline currents causing further acceleration of erosion in the area.

These findings suggest that by not taking into account in the design and construction of manmade structures these uncharted offshore currents, it is possible that some manmade structures designed to protect the shoreline, have in fact contributed to its erosion.

The recently passed Coastal Zone Management Act of 1972 provides Federal funds for the development by States of shoreline management plans which govern shoreline construction. The act is administered by the National Oceanic and Atmospheric Administration, the Federal agency with the greatest expertise and interest in the study of nearshore currents and their relationship to manmade structures.

If it is possible to reduce erosion by effectively designing new structures or redesigning old ones to take account of these offshore currents, every State's shoreline management plan should do so. The first bill I am introducing therefore amends the Coastal Zone Management Act by authorizing the National Oceanic and Atmospheric Administration, working in conjunction with the States and the Army Corps of Engineers, to conduct test studies of the interrelationship between these offshore currents and manmade structures.

In recognition of the especially critical nature of this problem in the Great Lakes, the amendment authorizes the first test study in Lake Michigan since it contains a large number of easily identifiable areas of disastrous erosion downcurrent of major manmade structures, and also suffers from the accelerating effects of record high water levels. The amendment also authorizes similar test studies in the other Great Lakes. Using the data and conclusions of these test studies, NOAA could then determine what further individual studies, if any, would be needed to develop acceptable erosion-reducing criteria for new shoreline construction as part of each State's shoreline management plan.

It has also become increasingly apparent that short-term remedial efforts are needed to preserve eroding shorelines during the time it will take to gain a more complete understanding of the effects of major erosion control structures. Present laws dealing with erosion control place too much emphasis on individual project studies which often take years to complete while valuable shorelines wash away. These bills give the Federal Government better tools for dealing with erosion now.

The first bill grants the Army Corps of Engineers emergency erosion control authority. Currently, the only emergency authority the corps has is for flood control. As the erosion problem has worsened, the corps has been faced with either characterizing erosion as "flooding" or refusing to do any emergency work while shorelines wash away.

The threat this spring from erosion, especially in the Great Lakes, is as serious as the threat from flooding. This bill specifically authorizes the corps to repair, construct or modify erosion control structures on an emergency remedial basis.

The second bill amends the Disaster Assistance Act to make it clear that shoreline areas suffering from severe and unforeseen erosion where life or property is seriously endangered qualify for disaster assistance, including low interest loans. Recent consultations with the Office of Emergency Preparedness indicate it now believes that the "disaster" of accelerating erosion can be as serious as natural disasters like "flooding" and "hurricanes" currently designated in the law. This amendment would allow appropriate State action to trigger disaster assistance for individuals fighting to save shoreline facilities before they are washed away.

The third bill amends section 111 of the 1968 Rivers and Harbors Act to provide Federal reimbursement to communities and individuals which repair shore damages caused by Federal navigation structures. Under the current law, the corps must complete its study ascertaining Federal fault under section 111 prior to any actual construction "for the prevention or mitigation of shore damages attributable to Federal navigation works." Under this amendment, those individuals or communities which cannot afford to wait for completion of such a study will be eligible for reimbursement for projects which are consistent with the studies' final recommendations. Those who protect themselves against erosion damage which is later found to be the Federal Government's fault, are entitled to reimbursement. The shore protection devices minimize the damage for which the Government is responsible. And, if responsible, the Federal Government would have been obligated to build them.

These erosion control proposals are intended to give us a long-term understanding of erosion causes, and short-term, immediate protection. Given the seriousness of the present situation, I hope the Senate will be able to act on these proposals soon. Much hangs in the balance for the millions upon millions who live, work, and relax along our Nation's shorelines.

Mr. HART. Mr. President, the Senator from Illinois (Mr. STEVENSON) is to be commended for the initiative and leadership he has provided in introducing legislation to cope with the devastation that is now occurring to the Great Lakes through shore erosion. The research and financial assistance provided for in the legislation will go a long way toward solving a problem which is destroying a precious resource.

The legislation recognizes that it is in the interest of this country to devote Federal resources to the protection of shores from erosion regardless of whether the shore is publicly or privately owned. In fact, I am hard pressed to envision any stretch of beach along Lake Michigan, Lake Huron, or any other Great Lake the destruction of which would not represent a serious public loss. For that reason, in addition to the remedies proposed by this legislation, we must seek additional ways of providing financial assistance for the protection of erod-

ed shoreline, including additional Federal funds to prevent the erosion of private lands. If the public has a stake in preventing erosion of private lands, then I think it reasonable to invest sufficient public funds to protect that stake.

The study by the National Oceanic and Atmospheric Agency of the currents and shore erosion of Lake Michigan and the other Great Lakes is indeed welcome. The knowledge gained will provide valuable ammunition toward solving Great Lakes erosion control problems. The legislation calls for the first of the studies to take place on Lake Michigan. The lack of knowledge with respect to the causes of erosion on Lake Michigan is acute and I can think of no better candidate for our initial efforts. But I would hope that in the hearings on this legislation information could be gathered as to the wisdom of the research proceeding on all of the Great Lakes simultaneously. Certainly the knowledge gained with respect to the Lake Michigan study will in many ways be applicable to the other Great Lakes as well. But scientists tell me that research on currents, bottom contours, and other factors which would not be duplicative of the Lake Michigan work is sorely needed. I would hope further to explore this with the appropriate committee.

The legislation proposed by the Senator from Illinois responds to the erosion control problems of the Great Lakes, but to the country as a whole. I am pleased to join with the Senator from Illinois in cosponsoring the legislation.

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By Mr. KENNEDY (for himself, Mr. MAGNUSON, Mr. HOLLINGS, and Mr. HATHAWAY):

S. 1269. A bill to amend the Northwest Atlantic Fisheries Act of 1950 with respect to the payment of certain expenses of members of the advisory committee appointed pursuant to such act. Referred to the Committee on Commerce.

NORTHWEST ATLANTIC FISHERIES INDUSTRY ADVISORY COMMITTEE

Mr. KENNEDY. Mr. President, on October 9, 1972, the North Pacific Act of 1954 was amended to provide that the expenses of Advisory Committeemen attending Commission meetings would be paid. The amendment I offer today amends the Northwest Atlantic Fisheries Act of 1950 to provide the same reimbursement for transportation expenses and per diem allowances for the committeemen of the North Atlantic fishing industries.

This is a simple amendment which would provide the identical equitable reimbursement for the fishermen of New England as the Congress has already approved for the west coast fishermen. We urge the Senate to act favorably and quickly on this legislation. I ask unanimous consent that the bill be printed in the RECORD at this point.

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

S. 1269

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second sentence of section 4(b) of the Northwest Atlantic Fisheries Act of 1950 (16 U.S.C. 983(b)) is amended by striking out "may" and inserting in lieu thereof "shall".

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By Mr. TUNNEY:

S. 1270. A bill to establish in the State of California the Santa Monica Mountain and Seashore National Urban Park. Referred to the Committee on Interior and Insular Affairs.

THE SANTA MONICA MOUNTAIN AND SEASHORE NATIONAL URBAN PARK

Mr. TUNNEY. Mr. President, today I am introducing a bill to establish the Santa Monica Mountain and Seashore National Urban Park. The bill, cosponsored by my colleague Senator ALAN CRANSTON, would create a major national park along the beaches of Santa Monica Bay and the mountains and valleys of the Santa Monica Mountains in Los Angeles and Ventura Counties in California. A similar bill will be introduced soon in the House of Representatives by Congressman ALPHONZO BELL.

Mr. President, the need to protect this region, by creation of a national park, is urgent. Never before in America has such a large, concentrated population suffered from such a scarcity of recreational resources. Although 10 million people live in metropolitan Los Angeles, they have less open space for public recreational and cultural uses than any other major city in the United States, including New York. This imbalance is intensified by the great yearly influx of visitors to the area—over 8 million annually in southern California. The strain on existing recreational resources is near the breaking point. Beaches are overcrowded. Camping for hundreds of miles around require reservations long in advance, tens of thousands turned away on many weekends. A county park in the Santa Monica Mountains is a case in point: Its facilities were consistently so overused that officials were forced to close the area to overnight campers.

The Santa Monica chain offers the only major open space in the entire area and it should be protected against encroaching urban sprawl.

The resource at stake in the area is unique. It is the only example of a Mediterranean climate in North America—with all the plant and animal life indigenous to that particular climate. Sage, sumac, and yucca cover the hillsides.

There are deer, coyote, bobcat, raccoon, rabbit, fox, grey squirrel, and quail. Marsh and water birds frequent the coastal area.

Also the mountains and coastlands are an archeological wonder: 600 sites have been identified, and one expert estimates that this is only one-tenth the number that await discovery in the mountain chain.

All residents, whether they hike in the mountains or simply enjoy their beauty, have a personal stake in their preservations as open space. Residents of the inner city stand to lose the most from overdevelopment of the mountains: Disappearance of the only major recreational area within their reach, increased overcrowding of the downtown city center, and an increased smog problem, as the Los Angeles basin loses its only large nonpolluting buffer between the ocean and the city.

Actually, the mountains and coastside are a precious national resource. Five percent of the Nation's population visits southern California every year.

A verbal commitment by the Federal Government to protect the region's resources already has been made: In 1970, the Secretary of the Interior, Walter J. Hickel, in announcing the urban recreation study program, said:

> The Santa Monica Mountain range, together with adjoining beaches form the greatest untapped natural resource in the second largest metropolitan area in the nation. Considering the size, location and variety of the resources, the importance of this area in meeting the recreational needs of Los Angeles residents cannot be overemphasized.

President Nixon supported this position in a mandate for open space planning and land acquisition, set forth in his February 1970 message to Congress on the environment:

> Plain commonsense argues that we give greater priority to acquiring now the lands that will be so greatly needed in a few years.

Finally, the Department of Interior's August 1972, study of the Santa Monica Mountains made the following findings:

First. The Santa Monica Mountains and adjacent coastline constitute the most significant large unprotected open space in the Los Angeles area.

Second. The mountains help dilute Los Angeles' seriously polluted airshed.

Third. Current urban expansion, particularly those of large scale residential development, has severe impact on the remaining natural environments within the mountains. If it continues, the environmental values of the area will be forfeited.

Fourth. In view of the threat which continued urban expansion poses in the Santa Monica Mountains and along the adjacent coastline, measures need be taken to expand the existing parklands and regulate and control land uses to protect the significant portions of remaining natural environments in the public interest.

Now that the Interior Department has set forth its findings, it is time to make a commitment of funds.

My bill proposes that the Federal Government join in partnership with the State of California and local governmental entities in developing this major Federal park. Specifically, the bill establishes a 9-year commission composed of seven members representing Los Angeles and Ventura Counties and two members appointed by the Governor. The commission will advise the Secretary of Interior on proposed land uses, priority of these uses, and developmental plans for the park.

The bill clearly states that the Secretary of Interior should give special priority to acquisition of lands which are in the most immediate danger of development.

We must, in a cooperative intergovernmental way, not only move immediately to acquire those areas which have been determined to be prime areas for recreational use, but also consider the needs of the entire mountain and coastal region, to insure preservation of those resources we recognize to be valuable.

Mr. President, I ask unanimous consent that the bill be printed at this point in my remarks.

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

S. 1270

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, (a) in order to preserve a national mountain and seashore resource to provide for public outdoor recreation use and enjoyment of the Santa Monica Mountains and Seashore by present and future generations; to preserve natural, scenic, scientific, historic, and other values contributing to public enjoyment of the lands and waters of the area; to preserve the range's value to the surrounding region as open space; and recognizing the need of the Greater Los Angeles area for such an open space and recreational resource, there is authorized to be established the Santa Monica Mountain and Seashore National Urban Park. The park, subject to valid existing rights, shall generally comprise that area of the Santa Monica Mountains eastward to the San Diego Freeway along the crest of the Santa Monica Mountains and paralleling Mulholland Drive to Griffith Park and westward from the San Diego Freeway and eastward from Point Mugu and westward from Sunset Boulevard, including portions of the beaches and coastal canyons of Santa Monica Bay. Special effort shall be expended by the Secretary of the Interior to acquire lands, easements, and other necessary rights to create a park that is contiguous whole and maximizes the benefits of the park for the Greater Los Angeles region.

(b) In preserving the mountains and seashore and stabilizing its development, substantial reliance shall be placed on cooperation between Federal, State, and local governments to apply best principles of land use planning and zoning. The Secretary of the Interior shall give full consideration to the recommendations of the State of California Ventura-Los Angeles Mountain and Coastal Study Commission affecting land use, zoning, conservation, and development in Los Angeles County and Ventura County and to the terms of any coastline conservation legislation enacted by the State of California, and shall make every effort to encourage the State of California and local governments thereof to establish stringent land use controls in the entire Santa Monica Mountain and Seashore area as defined in this Act.

SEC. 2. (a) Special priority shall be given by the Secretary of the Interior to acquisition of the following lands which are of particular scenic, recreational, and open space value:

(1) The Point Mugu, Pacific View, Boney Mountain, Hidden Valley complex;

(2) Zuma, Trancas, and North Ramirez Canyons;

(3) Malibu Canyon and the Century Ranch:

(4) Cold Canyon;

(5) Tuna Canyon;

(6) Areas north and west of Will Rogers State Park;

(7) Santa Maria Canyon;

(8) Caballero Creek;

(9) The Mulholland Highway and Portrero Road, for development as a scenic corridor to traverse the length of the mountains, to provide access for recreation purposes by several modes of travel;

(10) Seashores and associated coastal canyons of the area defined by this Act;

(11) Lands to be acquired for hiking, equestrian, bicycle, or other trail systems.

(b) The lands to be acquired by the United States under this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") through the National Park Service. Under direction of the Secretary, the National Park Service shall administer, protect, and develop the park subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) as amended and supplemented, and the Secretary may apply any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act, and any system of cooperative management he finds most feasible with the California State Department of Parks and Recreation and local parks and recreation agencies.

(c) As soon as practicable after acquisition by the Secretary of an acreage within the boundaries of the park which, in his opinion, can be administered efficiently for the purposes of this Act, he shall establish the park by publication of notice thereof in the Federal Register. Such notice shall include a description of the boundaries of the park.

(d) In addition, the Secretary shall study the land use management needs of the entire defined mountain and seashore region and take whatever actions are determined necessary to preserve the established values of the Santa Monica Mountain and Seashore area, including additional land acquisition. The Secretary shall take whatever action is necessary in order to assure that special precautions will be taken by the State of California and local governmental entities to guard against land use management of the lands surrounding acquired parklands which are incompatible with the acquired lands, in order to preserve the natural continuity of the regional environment.

SEC. 3. (a) The Secretary is authorized, subject to the limitations, restrictions and conditions imposed by this Act, to acquire the land and other property and any interests therein by donation, purchase with donated or appropriated funds, or by exchange, except that land owned by the State of California or any of its political subdivisions may be acquired only with the consent of the owner.

(b) When acquiring property by exchange the Secretary may accept title to any non-Federal property within the boundaries of the park, and in exchange therefor he may convey to the grantor of such property any federally owned property under this jurisdiction which he classified as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) In exercising his authority to acquire property under this Act, the Secretary shall give immediate and careful consideration to any offer made by a property owner owning property within the boundaries of the park to sell such property to the Secretary. A property owner owning property within the park may notify the Secretary that the continued ownership of that property would result in hardship to him, and the Secretary shall immediately consider such evidence and shall within one year following the submission of such notice, subject to the availability of funds, purchase such property offered for a price which does not exceed its fair market value.

(d) The Secretary, to fulfill the objectives of this Act shall, from time to time, vest in the United States all right, title, and interest in, and the right to immediate possession of, all real property in specific acquisitions within the Santa Monica Mountain and Seashore area as defined in this Act, except real property owned by the State of California or a political subdivision thereof.

(e) With respect to property which the Secretary is authorized to acquire by condemnation under the terms of this Act, the Secretary shall initiate no condemnation proceedings until after he has made every reasonable effort to acquire such property by negotiation and purchase.

(f) The Secretary is authorized to acquire only such interest in lands as is reasonably necessary to establish and maintain the park.

(g) Nothing in this Act shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(h) The Secretary may use installment purchase, advance acquisition with leaseback provisions, and conservation, agricultural, access, and scenic easements to accomplish the purposes of this Act.

(i) The Secretary shall explore the possibility of obtaining grants and funds from other appropriate government agencies to further land acquisition for the park, construct the necessary facilities to protect the values for which the park was established, and extend the benefits of the recreation and open space resource of the Santa Monica Mountain and Seashore to the greater Los Angeles region and to the American public.

SEC. 4. (a) There is hereby established a Santa Monica Mountain and Seashore National Urban Park Commission. The Commission shall cease to exist nine years after establishment of the park as provided by section 2 of this Act; however, the Secretary may, at his discretion, extend the Commission for an indeterminate period of time if he feels this action is necessary to carry out the terms of this Act.

(b) The Commission shall be composed of nine members, each appointed for a term of three years by the Secretary, as follows:

(1) five members to be designated by the Secretary, three of whom shall be residents of Los Angeles or Ventura Counties;

(2) one member to be appointed from a list of persons recommended by the Board of Supervisors of Ventura County;

(3) one member to be appointed from a list of persons recommended by the Board of Supervisors of Los Angeles County; and

(4) two members to be appointed from a list of persons recommended by the Governor of the State of California.

(c) The Secretary shall designate one member to be Chairman. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation, but shall be reimbursed for actual expenses incurred incident to Commission business. The Secretary is authorized to pay the expenses reasonably incurred by the Commission.

(e) The Secretary shall provide such staff assistance as is necessary to the Commission in the performance of its duties.

(f) The Commission shall meet at least twice annually at times and places designated by the Chairman. The Commission also shall meet as necessary at the call of the Chairman upon proper cause and due notice given.

(g) The members of the Commission shall have particular experience or expertise in government conservation, land use planning and acquisition, natural and environment sciences, or economics.

(h) Notwithstanding the provisions of subsection (b) of this section, the Secretary shall make the initial appointments as follows: three commissioners shall be appointed for terms of one year, three commissioners shall be appointed for terms of two years, and three commissioners shall be appointed for terms of three years.

SEC. 5. (a) The duties of the Commission shall consist of—

(1) advising the Secretary on proposed land uses, priority of such uses, and development plans within the park, consistent with the

recreational and open space aspects of the park region;

(2) advising the Secretary on any activities conducted by the Secretary or proposed to be conducted by the Secretary or through others under this Outer Continental Shelf Lands Act (67 Stat. 462) which would have or are likely to have a material influence on the park environment;

(3) advising the Governor of California on any activities conducted by or proposed to be conducted by the Lands Commission of the State of California directly or through others upon the tidelands and shelf lands and waters which would have or are likely to have a material influence on the park environment;

(4) advising the boards of supervisors of Ventura County and Los Angeles County and the city council of any city contiguous or adjacent to the park as to any proposed land use, land development, public works, mineral development, or zoning outside the park which would have or are likely to have a material influence on the park environment;

(5) holding hearings on National Park Service proposals for acquisition of land and development and use plans for the park and submitting its findings and recommendations to the Secretary, with special priority given to lands specified in section 2(a);

(6) assisting the Secretary in conferring with State and local parks and recreation officials to determine the best possible cooperative management program for the park lands;

(7) assisting the State of California and local government entities to assure that land use in the Santa Monica Mountain and Seashore areas as defined by this Act is compatible with and supplements the values of the park established herein; and

(8) any other duties prescribed by the Secretary related to the development, use, and management of the park and its resources and the environmental impact of the park on the surrounding communities and the environmental impact of adjacent commercial activity on the park.

SEC. 6. (a) Any owner or owners of improved property situated within the area designated for inclusion in the park on the date of its acquisition by the Secretary, may, as a condition to such acquisition, retain, for a term of not to exceed thirty years, the right of use and occupancy of such property for any single family residential purpose which is not incompatible with the purposes of this Act or which does not impair the usefulness and attractiveness of the area designated for inclusion. The Secretary shall pay to the owner the value of the property on the date of such acquisition less the value on such date of the right retained by the owner. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes in accordance with the provisions of this section.

(b) Any improved or unimproved property situated within the area designated for inclusion in the park which by mutual agreement between the Secretary and the owner or owners thereof, is used commercially to serve the needs of the public and enhance their enjoyment of the park, shall not be subject to purchase or condemnation during the existence of such agreement.

(c) Any deed or other instrument used to transfer title to property, with respect to which a right of use and occupancy is retained under this setcion, shall provide that such property shall not be used for any purpose which is incompatible with the purposes of this Act, or which impairs the usefulness and attractiveness of such area, and if it should be so used, the Secretary shall have authority to terminate such rights.

SEC. 7. For the purpose of carrying out the provisions of this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1974, and the next following fiscal year, such sums, the aggregate of which shall not exceed $30,000,000, as may be necessary, and for the fiscal year ending June 30, 1976, and for each fiscal year thereafter, such sums as may be necessary.

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By Mr. HUMPHREY (for himself, Mr. BAKER, Mr. BIBLE, Mr. BROCK, Mr. GRAVEL, Mr. HART, Mr. HATHAWAY, Mr. MATHIAS, Mr. MONDALE, Mr. MOSS, Mr. STEVENSON, Mr. THURMOND, Mr. TUNNEY, and Mr. WILLIAMS:

S. 1271. A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local and State levels of government. Referred to the Committee on Labor and Public Welfare.

INTERNS FOR POLITICAL LEADERSHIP ACT

Mr. HUMPHREY. Mr. President, I introduce for appropriate reference the Interns for Political Leadership Act of 1973. I do so on behalf of myself and Mr. BAKER, Mr. BIBLE, Mr. BROCK, Mr. GRAVEL, Mr. HART, Mr. HATHAWAY, Mr. MONDALE, Mr. MOSS, Mr. STEVENSON, Mr. THURMOND, Mr. TUNNEY, and Mr. WILLIAMS.

In the last Congress similar legislation, in the form of an amendment to the Higher Education Act (S. 659), was passed by the Senate but deleted in conference from the final bill.

The bill I am introducing today addresses three needs of national importance. The first is to involve young people in the governmental process. The second is to expose those of us in government to young ideas at a time when our Nation's population becomes increasingly more youthful. Finally, State and local officials would be provided with willing, informed, and experienced staff to tackle pressing tasks.

The last few years have demonstrated the necessity of involving and interesting young people in government. We must provide alternatives to political alienation. We must provide alternatives to indifference. We should provide concerned youth with opportunities for practical political experience. Such experiences would expose them to the problems of governing while at the same time involving them in the solution to these problems.

Internship programs have long been lauded by both interns and officials alike. Twelve States have programs involving students as staff assistants to State legislators—California, Connecticut, Georgia, Illinois, Iowa, Kentucky, Michigan, Minnesota, New York, North Dakota, Ohio, and Rhode Island. Other States are planning such programs, in some cases reportedly contingent upon the passage of Federal legislation.

In addition, excellent results have been reported by a number of city and county governments which have initiated internship programs. Elected officials in Baltimore, Atlanta, Boston, and New York City submitted strongly favorable evaluations of a pilot project, sponsored by two private foundations, operated since 1970 and involving some 50 students.

A Chicago student reports that she "learned really how the inside of a government agency is run and what good it's doing for the people." In Baltimore, an intern to a city councilman became so efficient that the councilman left him in charge of the office while he traveled to Europe. A student in New York's fellowship program states that he was told:

New York City will change you more than you will change it. That has certainly been true in my case . . . I'm not saving New York City. But I am learning how to communicate and become more politically sensitive.

Mr. President, these are programs that have already demonstrated their success. Efforts like these need to be encouraged, expanded, and supplemented by national legislation. We must show these concerned youth that we are not indifferent to their desire to learn.

I have made several technical revisions in the Interns for Political Leadership Act in response to constructive suggestions presented in the course of Senate and House deliberations on it last session.

The bill provides grants on the part of the Federal Government in cooperation with State and local governments

The Commissioner is authorized to enter into contracts with the appropriate nonprofit agencies to plan, develop, and carryout the intern program. Under this program, highly qualified and motivated students interested in a political career would be offered the opportunity, with academic credit, to learn how the political system works at firsthand and at the same time to evaluate and develop their leadership potential through involvement in the policymaking process. In general, they would serve as professional assistants to elected officials.

Operated by the Commissioner of Education through arrangements with appropriate nonprofit agencies, institutions of higher education, and State and local governments; the internship program would assign selected college students to research and public service operations duties in the offices of State and local elected officials. This work experience would be coordinated with the ongoing educational programs, including evaluation and guidance seminars, of the persons selected. It is expected that this program will also provide important incentives for the direct interchange of insights and experiences among students, college professors, and those serving in elected office.

Intern nominations would be proposed by participating institutions of higher education, with internships distributed among the States in ratio to the total number of Members of Congress from each State. Provision is made for the inclusion of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

Mr. President, we must get young people involved in our Government. We can show disillusioned youth that their governmental institutions can function to meet today's needs. This bill is an important step in that direction.

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

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

S. 1271

*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 "Interns for Political Leadership Act of 1973."

SEC. 2. Title IX of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

"PART C—INTERNS FOR POLITICAL LEADERSHIP

"'PROGRAM AUTHORIZED

"'SEC. 931. The Commissioner is authorized to enter into contracts or other arrangements with such nonprofit agencies as are appropriate under which such agencies will plan, develop, and carry out an internship program under which students will be provided practical political involvement with elected officials in the performance of their duties at the local and State levels of government through internships in their offices. Such internship program shall be carried out through arrangements with institutions of higher education, and with State and local governments. Under such program the interns, who are students at any institution of higher education, will be assigned duties in offices of State and local elected officials, which will give them an insight into the problems and operations of the different levels of government, as well as an opportunity for research and for involvement in the policymaking process. Such arrangements shall provide for coordination between the on-campus educational programs of the persons selected and their activities as interns, with commensurate credit given for their work and achievement as interns.

"'SELECTION OF STUDENTS FOR PARTICIPATION

"'SEC. 932. The students who are to participate in the internship program provided for in this part shall be selected by appropriate non-profit agencies designated by the Commissioner from among students whose names are proposed by participating institutions of higher education. The Commissioner shall assure that internships are distributed among the states so that insofar as practicable the number for each state bears the same ratio to the total number as the number of Members of Congress from that State bears to the total number of Members of Congress.

"'FEDERAL SHAPE

"'SEC. 933. The Federal share of the cost of carrying out the program provided for in this part may not exceed 50 per centum.

"'ADMINISTRATION

"'SEC. 934. Contracts on other agreements between the Commissioner and appropriate nonprofit agencies shall prescribe the stipends to be paid to the interns participating in the program provided for in this part, and the duration and other terms and conditions of such internships. The cost of administration of a program may be paid by the Commissioner.

"'APPROPRIATIONS AUTHORIZED

"'SEC. 935. There is authorized to be appropriated to carry out this part the sum of $3,000,000 for the fiscal year 1974 and for each of the two succeeding fiscal years.

"'DEFINITION

"'SEC. 936. For the purpose of this part, the term "State" as used in this part means the fifty states, Puerto Rico, and the District of Columbia. For purposes of the distribution of internships among the states, in determining the number of Members of Congress for purposes of section 932, the Resident Commissioner for Puerto Rico and the Delegate from the District of Columbia shall be considered Members of Congress, and Guam, American Samoa, and the Virgin Islands shall be treated in the same manner as Puerto Rico and the District of Columbia.'

"(b) The amendment made by subsection (a) shall be effective after June 30, 1973."

## S. 1216—ORDER TO PRINT BILL IN RECORD

Mr. SAXBE. Mr. President, yesterday I introduced S. 1216, the Northeastern Rail Service Preservation Act of 1973. Since it was not printed in full in the RECORD, I ask unanimous consent that it be done so at this time.

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

S. 1216

*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 "North Eastern Rail Service Preservation Act of 1973".

SEC. 2. The Secretary of Transportation (hereinafter referred to as the "Secretary") shall compile an inventory of the rail transportation facilities (including for the purposes of this Act, but not limited to, track, rights of way, yards, terminals, equipment, rolling stock, signal and communicative equipment and other property, real and personal) of the following railroads: the Penn Central Ry. Co., Reading Ry. Co., Erie-Lackawanna Ry. Co., Lehigh Ry. Co., New Haven Ry. Co., Boston & Maine Ry. Co., and the Central of New Jersey Ry. Co. and all subsidiaries, jointly or wholly owned by the aforementioned corporations.

SEC. 3. The Secretary shall complete the inventory of the assets under Section 2 as soon as practicable and not later than three months after the enactment of this Act. Upon completion of the aforementioned inventory, the Secretary shall acquire by condenmation all of the assets of the seven railroads named in Section 2.

SEC. 4. For the purpose of operating facilities which he has acquired pursuant to subsection (3) the Secretary shall enter into such contracts or other agreements as may be necessary.

SEC. 5. (a) Within three months after enactment of this Act—

(1) the trustees of all railroad companies which are undergoing reorganization in bankruptcy proceedings in Federal district courts, and a majority of whose rail lines are located in the Northeast region;

(2) all owners of rail lines leased to such railroad companies; and (3) all wholly owned subsidiaries and affiliates of such railroad companies shall convey or cause to be conveyed to the Secretary of Transportation all rail lines owned or operated by such railroad companies free and clear of all liens, charges, and encumbrances.

(b) Such conveyances shall not be deferred by reason of any controversy concerning the amount of compensation to be paid, and shall not be restrained or enjoined by any court on account of such controversy.

SEC. 6. (a) Compensation for rail lines acquired by the Secretary of Transportation shall be the net liquidation value of the property conveyed.

(b) Compensation for rail lines conveyed by trustees in bankruptcy shall be fixed by the United States district court before which the bankruptcy proceedings are being held, in accordance with subsection (a) of this section.

SEC. 7. The provisions of this section shall be in addition to and not in lieu of any provisions of the Interstate Commerce Act.

SEC. 8. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 156

Mr. BAKER. Mr. President, on January 4, I introduced a bill, S. 156, to require the termination by July 1, 1975, of all Naval weapons range activities on and in the vicinty of the Puerto Rican island of Culebra. Almost immediately I was joined in this effort by the distinguished junior Senator from Minnesota (Mr. HUMPHREY), whose energy, enthusiasm, and sound judgment is always a major asset in any endeavor. On January 23 Senator HUMPHREY and I addressed a joint letter to Members of the Senate, soliciting their support of S. 156. He and I are encouraged by the fact that, to date, 30 Senators have agreed to cosponsor the bill. We are, of course, most hopeful that others will agree to join with us.

I review briefly for my colleagues the sequence of events that has led us to this point in our efforts to halt the shelling of Culebra. Culebra is a small island, some 3-by-8 miles in dimension, east of the main island of Puerto Rico. Culebra is home for roughly 750 citizens of the United States. It is also the site of extensive training activities by the U.S. Navy, including ship-to-shore shelling, aerial strafing and bombardment, mining and countermining operations, and other such endeavors. This use of Culebra has been virtually continuous since 1936.

By the summer of 1970, the Navy's use of Culebra had become such an explosive issue in Puerto Rican politics that the Congress of the United States took its first tentative steps to deal with the problem. Section 611(a) of the Military Construction Authorization Act of 1971, an act signed by the President on October 26, 1970, directed the Secretary of Defense to study all possible alternatives to the training being conducted in the Culebra complex. In response to that congressional mandate, Secretary Laird reported to the President and to the Congress on April 1, 1971, that—

Alternatives are available which could accommodate the Naval Gunfire Support training now done at Culebra.

On the same day it was announced that the Secretary had directed the Navy take whatever steps were necessary to provide the option of moving by June 1975 to a suitable alternative to the target areas on Culebra. He further stated that—

He would personally "reappraise the Culebra situation . . . by the end of 1972 in order to make a final decision where to relocate the Naval Training target areas now on Culebra.

On April 23, 1971, in response to a written inquiry from then President of the Senate of Puerto Rico Rafael Hernandez Colon—now Governor of Puerto Rico—Defense Department spokesman Jerry W. Friedheim said:

We hope that the Secretary's statement makes it clear that Navy operations are to be transferred by June 1975 unless a reversal of the situation occurs because of 1) the collective wishes of the Culebrans themselves, 2) action by the Congress, or 3) the President's future assessment of national security demands.

It appeared certain that a firm commitment had been made to a termination of all Naval activities on Culebra by June 1975, and that what remained was a determination of precisely where those activities would be relocated and exactly when the move would occur. There clearly was no hint that any question remained as to whether or not the move would be made.

Section 207 of the Military Construction Authorization Act of 1972, an act signed by the President on October 27, 1971, directed the Secretary of Defense to "prepare a detailed feasibility study of the most advantageous alternative to the weapons training now being conducted in the Culebra complex of the Atlantic Fleet Weapons Range." The Secretary was further directed to complete this study by December 31, 1972. On November 4, 1972, after the study had effectively been completed, Secretary Laird reassured then Gov. Luis A. Ferre of his intention to announce by the end of 1972 his final decision as to "where to relocate the naval training target areas now on Culebra."

This voluminous, congressionally mandated study concluded, in its most pertinent part, that there were at least five prime alternative sites at which the Naval activities presently being carried out on Culebra might be conducted. In the words of the study—

> Each of the five alternative sites are considered to be suitable from an operational viewpoint, if costs are not a determining factor, for conduct of the shore bombardment and air-to-ground weapons training presently provided at the Atlantic Fleet Weapons Range and anticipated through 1985.

The five sites extensively studied were Culebra itself, the inhabited island of Vieques now extensively used by the Navy and Marine Corps, the uninhabited islands of Mona and Monito used jointly, the uninhabited island of Desecheo, and the construction of an artificial island at one of two Caribbean sites identified in the study. The study estimated the total cost of relocation for the alternatives as follows:

Culebra, no cost.
Vieques, $3,675,000.
Mona and Monito, $8,290,000.
Desecheo, $10,100,000.
Artificial island (1), $178,490,000.
Artificial island (2), $175,240,000.

In short, the study found three specific sites that would meet the operational needs of the Navy at a cost of $10,100,000 or less.

In view of these findings, the only question that remained to be answered was which of the alternative sites the Secretary of Defense would select to satisfy his repeated commitments to the people of Culebra and the Government of Puerto Rico.

And yet, incredibly, on December 27, 1972, acting on the information cited above, Secretary Laird announced that the Navy would continue to use Culebra for all present training activities, at least through 1985, and that aerial bombardment in the Culebra complex "is projected to increase." Since none of the contingencies cited by Mr. Friedheim on April 23, 1971, has been met, one can only assume that the Secretary found the cost of relocating the Naval activities prohibitive. Within the context of a proposed defense budget of $76.4 billion in outlays for fiscal year 1973 and projected outlays of $85.5 billion for fiscal year 1974, I am constrained to say that an outlay of $10 million or less over a 2-year period for the purpose of honoring a commitment to the people of Puerto Rico and alleviating the suffering of 750 American citizens is well within the bounds of fiscal reality. And that observation is made with all the restraint I can summon.

It was in response to this extraordinary reversal of direction that I introduced S. 156, which would unequivocally direct the Department of the Navy to terminate all weapons range activities on the island of Culebra and within 3 nautical miles thereof not later than July 1, 1975, and further provide that no funds appropriated by the Congress could be used for the conduct of such activities after that date.

Frankly, it seems to me somewhat absurd that the Congress should need to further involve itself in this matter, a matter which could so easily be resolved administratively. Gov. Hernandez Colon and I met with Secretary Richardson on March 1 and found his expressed willingness to review the issue without bias, an encouraging sign. I have every confidence that he will conduct such a review, and I have every confidence in the fairness and vigor of his mind. I earnestly hope that he will direct that one of the alternatives identified in the most recent study be selected and that the move be made as promptly as possible.

But pending such a hoped-for administrative action. Senator HUMPHREY and I intend to pursue this issue with the urgency that it demands.

Mr. President, there appears to be elements within the Department of Defense who feel that the issue of Culebra is a "nonissue," that it is the result of some sort of dark conspiracy by a few political agitators connected with a movement seeking independence for the Commonwealth of Puerto Rico. What little political analysis there is in the most recent DOD study is most notable for its naivete. In fact, there appears to be no issue which has so served to unite warring political factions in Puerto Rico as has the issue of Culebra. The legislation that Senator HUMPHREY and I have introduced has the most wholehearted and unreserved support from each of the four men who have served as Governors of Puerto Rico, from the incumbent mayor of San Juan, who is of a different political party than that of the incumbent Governor, and most of all from the people of Culebra.

Mr. President, I ask unanimous consent that there be printed at this point in my remarks the texts of a January 10, 1973, telegram from Gov. Hernandez Colon, a January 31, 1973, letter from former Gov. Luis A. Ferre, a January 6, 1973, telegram from former Gov. Roberto Sanchez Vilella, a January 15, 1973, letter from Carlos Romero Barcelo, mayor of San Juan, a January 5, 1973, letter from Resident Commissioner Jaime Benitez and a January 9, 1973, memorandum from the people of Culebra addressed to the Congress of the United States.

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

TELEGRAMS AND LETTERS

SAN JUAN, P.R.,
*January 10, 1973.*

Hon. HOWARD H. BAKER, Jr.,
*U.S. Congress,*
*Washington, D.C.:*

Congratulations for your prompt and courageous reaction on behalf of the people of Culebra. Your efforts in this direction are most welcome and appreciated.

RAFAEL HERNANDEZ COLON,
*Governor, Commonwealth of Puerto Rico.*

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SAN JUAN, P.R.,
*January 31, 1973.*

Hon. HOWARD BAKER,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR BAKER: This is to express my sincere appreciation and my most complete support for your decision of filing a bill (S. 156) that would order the Department of the Navy to terminate all weapons range activities on the island of Culebra and its surroundings not later than July 1, 1975.

Two and a half years ago, at my request, you introduced an amendment to the 1970 Military Construction Authorizations Act, which would have accomplished what your bill S. 156 provides. At that time I lobbyed for your amendment and it fell just three votes short of the number of votes needed for it to carry. As I mentioned in your office two weeks ago I am most willing to do all I can to secure the passage of your bill S. 156. Please keep me posted of its progress and do let me know if there is something that you want me to do to help you obtain the necessary number of votes.

Warmest personal regards.

Sincerely,

LUIS A. FERRE.

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JANUARY 6, 1973.

Senator HOWARD BAKER,
*New Senate Office Building,*
*Washington, D.C.:*

Strongly support bill ordering Navy terminate operations in Culebra.

ROBERTO SANCHEZVILELLA.

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OFFICE OF THE MAYOR,
*San Juan, P.R., January 15, 1973.*

Hon. HOWARD BAKER,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR BAKER: Permit me to take a minute of your time to bring to your attention the question of practice firing by the Navy on the inhabited island of Culebra.

Culebra is a tiny island off Puerto Rico's eastern coast inhabited by about 800 persons. The American citizens of this island, which has some of the most beautiful white-sand beaches of the Western Hemisphere, have been continually subjected to hazard and discomfort by reason of the Navy's target practice on their island. This shelling has continued for decades, making the existence of the residents hazardous and uncomfortable.

Recently the Navy gave assurances that it would announce at the end of 1972 where it would relocate its gunnery practice by 1975. Instead, however, the Department of De-

fense has just served notice that the ship-to-shore shelling and air bombing must continue at least until 1985. It has added that it feels this target practice is essential to the interests of our Nation.

The reality of the matter is that there are suitable alternatives to the use of this inhabited island as a Navy target. The problem is that they cost money whereas Culebra can be shelled for no cost at all. The further reality is that what the Department of Defense means, but does not say, is that the continued shelling of Culebra is convenient to the interests of the Navy.

The shelling of this island is in reality contrary to the best interests of our Nation. Puerto Rican public opinion is virtually unanimous in its repudiation of continued discomfort for Culebra residents. All of us in Puerto Rico understand, as I am sure you do, that no community of American citizens should be so blatantly deprived of the enjoyment of their domestic tranquility just to save the Navy money. Furthermore, world public opinion, particularly in Latin America, is aware of and sympathetic to the plight of Culebra's residents. The image that is presented, particularly by the propaganda enemies of the United States, is that of an all-powerful Navy arrogantly terrorizing a community of Spanish-speaking fishermen.

In the face of the above facts, it is not difficult to see where the true national interest lies.

I am sure that as a member of Congress your position would be similar to ours if a community of your constituents were so denied the pursuit of their happiness.

Since Puerto Rico is not a state, however, we lack enough voice and vote to make our weight felt in the Congress.

May we count on your support in our continuing efforts to force the Navy to adopt an alternative target range and thus restore peace to Culebra?

Thank you for your attention and your support.

Sincerely,

CARLOS ROMERO BARCELÓ,
*Mayor.*

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HOUSE OF REPRESENTATIVES,
*Washington, D.C., January 5, 1973.*

Hon. HOWARD H. BAKER, Jr.,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR BAKER: Early this morning I learned from the *Washington Post,* and later from the *Congressional Record,* that you introduced yesterday S. 156, a bill "to require the termination of all weapons range activities conducted on or near the Culebra complex of the Atlantic Fleet Weapons Range."

I wish to express my deepest appreciation for your initiative, which I support fully.

It is particularly gratifying to me that you perceived immediately the great significance which the Culebra problem holds for the people of Puerto Rico, and, indeed, for all American citizens. Your support makes it very clear that this is a matter which transcends partisan concerns.

I can assure you that in Puerto Rico the feeling is virtually unanimous in support of any action involving full compliance with previous U.S. commitments to stop military target practice on Culebra.

Again, I congratulate you on your decision and wish to express my full endorsement of the objectives of S. 156.

Cordially yours,

JAIME BENITEZ.

P.S. After dictating this letter I talked to Governor Hernández-Colón personally, he wanted me to give you his thanks and express his appreciation.

MUNICIPAL GOVERNMENT, CULEBRA, P.R.,
MEMORANDUM

JANUARY 9, 1973.

To: The Congress of the United States of America, Washington, District of Columbia.

From: The people of Culebra, Culebra, Puerto Rico.

Subject: Request from the people of Culebra to the Congress of the United States.

On January 11, 1971 the people of Culebra, represented by our Mayor, Hon. Ramón Feliciano, by the Governor of Puerto Rico, Hon. Luis A. Ferré and by the chairman of the Senate, Hon. Rafael Hernández Colón signed an agreement with the Navy of the United States, also subscribed by John Chafee as Secretary of the Navy, for the purpose of relieving the existing tensions caused by the constant danger to which we were exposed on account of target practices held by the Navy against the island of Culebra and its immediate surroundings.

Shortly after signing the above mentioned document with the Navy, the Governor of Puerto Rico, Mr. Luis A. Ferre and the Secretary of Defense, Mr. Melvin Laird agreed that the problem with Culebra was solved, promising that Naval Operations would cease by 1975.

We trusted sincerely in the good faith of all the signataries to the pact, and especially in the honesty of the Armed Forces and that of our Governor, Don Luis A. Ferré.

However, that faith in the honesty of the men who signed those agreements with our representatives was shattered by the new decision taken by the Secretary of Defense and the Chief of Naval Constructions, as result of the summary of the study made by Tibbetts McCarthy Stratton Co. and by consultant engineers from Battelle Columbus Laboratories and Palmer Baker, contracted by the Commander in Chief, Atlantic Fleet. This study determined that the Navy continue its operations at Culebra indefinitely, even increasing its activities, thus violating the mentioned agreements without previously consulting us, nor taking into consideration the position of the Puerto Rican people.

Our position regarding this matter remains firm. We believe that Culebra can be substituted, that this island is not of superior priority, nor essential to the American National Defense.

This had also been determined by the Secretary of Defense. We therefore, request of Congress to approve the necessary measures in order to persuade the Navy to end all operations and target practices in Culebra and adjacent cays by July 1, 1975, thus restoring the tranquility to which we have a right as American citizens who wish to live in peace like other communities of the world.

Mr. BAKER. Mr. President, I wish to add that I have spoken personally on the telephone with the revered former Governor Munoz Marin, who assured me of his full support for this effort and of his willingness to undertake any task that might add to its prospects for success.

What is at issue is a matter of simple equity and human justice. What is at issue is the future relationship between the people of the United States and the people of Puerto Rico. What is at issue is the credibility of the word of the Government of the United States. What is at issue is the safety and freedom of some 750 citizens of this country who live and work on Culebra.

What is not at issue is the national security of the United States. Two major studies by the Department of Defense have so found. In spite of the deep concern that I have for the people of Culebra, I would not be urging the termination of naval activities on that island if there was in my mind the slightest intimation that such termination would limit in any way the battle readiness of the U.S. Atlantic Fleet.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a January 9, 1973, editorial from the Washington Star-News entitled "Culebran Turn-Around," a January 8, 1973, column from the Washington Post by Stephen S. Rosenfeld entitled "Stop the Bombing (on Culebra)!" and a commentary by Thomas C. Steinhauser from the February 1973 issue of Armed Forces Journal entitled "The Mouse Will Roar Again."

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

CULEBRAN TURN-AROUND

The Defense Department's curious gyrations regarding the island of Culebra have not, thus far, aroused much concern in this country. But they are having a bad effect on United States-Puerto Rico relations, and they raise a question of credibility that Defense Secretary Laird should attempt to answer.

He announced the other day that the Navy won't stop using Culebra (which is just off Puerto Rico) as a gunnery target range, even though he earlier led its 750 residents to believe the bombardments would stop in 1975. Indeed he practically promised that as late as November 4, just before the Puerto Rican elections. This was seen by many as a friendly assist for Governor Luis Ferre, who was seeking re-election and trying to cope with strong public revulsion at the Culebran shelling. But Ferre was beaten by an opponent who demands an immediate halt, and Puerto Ricans elected a new commissioner to Washington who's of the same mind.

Now Laird says a new study reveals the necessity of continuing the cannonades at Culebra at least until 1985. This has caused a good deal of rage in Puerto Rico, not to speak of Culebra, where everyone's nerves are getting pretty ragged. The Culebrans long have pleaded for peace and quiet and safe beaches. They seemed to have won at last, then suddenly the deal was off.

None of us would feel very comfortable, though, if the Navy were unable to hit what it shoots at, and hence the Atlantic fleet must have a target range somewhere. The question is whether there's a satisfactory alternative to Culebra. The Navy and Laird say there isn't. But a Pentagon study released last April indicates there are several, including uninhabited islands and construction of an artificial island. That study was made public, but a later one, upon which Laird says the new decision is based, is being kept classified and therefore cannot be analyzed.

Also, there is scant satisfaction in Laird's promise of still another study "not later than the early 1980's," conducted with a view to eliminating the Culebra operation "as soon after 1985 as possible." Why should the harried Culebrans be kept in suspense that long, when the Pentagon already has spent upwards of $3 million on recent studies? If there are good reasons for indefinite continuation of the bombarding (and there may be), Defense officials should be able to make a better case for it than they have so far.

They soon will feel congressional prodding to do that, for legislation was introduced just

this week to abolish the Culebra range. The impression that Washington has played Puerto Rican politics with the issue, and reneged on a commitment, is sitting very badly with some members of Congress.

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STOP THE BOMBING (ON CULEBRA)!

(By Stephen S. Rosenfeld)

The Defense Secretary's recent decision to renege on his pledge to stop using Culebra as a Navy bombing range, and instead to continue to bomb the little island near Puerto Rico until 1985, must have struck many people as an outrage of virtually Orwellian dimensions. Until 1985? People live on Culebra. Surely Elliott Richardson will promptly reverse the decision when he takes over from Melvin Laird at the Pentagon a few weeks hence.

There is another smaller group of people, however, who while perhaps being no less outraged by Mr. Laird's decision, may take a more personal and somber view of it. I refer, of course, to those of us who over the last 37 years actually participated one way or another in the bombing of Culebra.

My own turn fell in the winter of 1954–55 while attached to a marine air control squadron which, because of the clear field needed for the communications equipment that it used to direct the bombing on Culebra, pitched its big floored pyramid tents atop the highest ridge of nearby Vieques. There the tangled green tumbled down to a gorgeous white beach on which, local legend had it, scenes of the movie "Exodus" had been filmed. What was described as the director's quarters became the officers' club. Tax-free Heiniken's beer cost 12 cents a can at the PX.

A couple of times a week, we controllers climbed into air-conditioned radar vans, sat down at consoles and, while the sergeants did everything, watched a jumpy needle scratch an airplane's course across a map of an island shaped somewhat like a jellyfish, and called Culebra. By radio, we would talk the pilot so many degrees this way or that, so many thousand feet up or down, until, at a point designated as the target, we would tell the pilot to "release ordnance," if that is the proper phrase.

It was our common routine, practiced in between sunnings, siestas, jeep trips to eat langousta at Vieques' 400-year-old town of Isabel Segunda ("Izzy Segoo" or "Segoo"), plane hops for the day to San Juan or St. Thomas. I read copiously. A tentmate, an electronics major from Purdue, learned how to go through our little island ridge switchboard and telephone his girlfriend in Indiana—all this while lying in his cot: a fantastic feat in terms of both drama and technology, we thought.

I cannot recall once ever thinking that people lived on Culebra and might accidentally be hit by one of our bombs or rockets; or even thinking to inquire. Our maps identified topographical features only. It was a time of the century when young men in uniform griped about the specifics of military life but did not question its general purpose. Culebra was a bombing range, simply an island within easy range of Vieques. Our planes used it to "train" for a cause which we may not have been able to identify but which we certainly had no itch to challenge.

I do recall thinking that it was nice for the United States to have such pleasant islands so conveniently located for its military training purposes. It seemed not only proper but natural that the United States should have good bombing ranges. Anyway, we air controllers were inside vans on a beautiful hilltop, and Culebra was a jellyfish on a chart.

At one point, I was appointed something like community relations officer. In that capacity, and in considerable embarrassment, I had to pay a Vieques farmer a modest sum for a pig run over by one of our men. By happen-stance, soon afterwards I read "Shooting an Elephant," whose title story concerned Orwell's consternation at having the only gun available to shoot a rampaging elephant in the village in India where he had been a British civil servant. The death of an animal in a foreign land, I remember thinking, complicates life for foreigners.

In the radar van, the needle jumped across the map and we told pilots whom we never met except on the radio to "release ordnance." I hope none of that "ordnance" ever hurt the people who live on Culebra—we never met them on the radio or any other way. And now that I know that people actually live there, I hope Elliot Richardson finds another island for a bombing range.

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THE MOUSE WILL ROAR AGAIN

Much as DoD and the Navy would like it, protests against Navy's practice firing on the tiny Caribbean island of Culebra won't go away.

Senator Howard Baker (R-Tenn.) is the latest Congressman to deplore it. On 4 January 1973 he introduced a bill in Congress which would force the Navy to stop all training activities on the island by July 1975.

In discussing his bill, Baker charged the Navy with "a breach of faith with the people of Puerto Rico." He said DoD's recent decision to continue its bombing of the island, despite earlier promises to stop it, was "unconscionable, unfair, and a real risk" to the 800 Spanish-speaking American citizens who call Culebra home.

These Americans have been trying to oust the Navy from their small tropical island for the past five years. The Navy has been using the seven-by-ten-mile, 7000-acre island, which is just east of the mainland of Puerto Rico, for target practice by ships and naval aircraft since 1936. It is a part of the Navy's Atlantic Fleet Weapons Range.

The plight of the Culebrans has been widely publicized. AFJ earned the dubious distinction of helping to focus an international spotlight on Culebra with a series of in-depth assessments beginning in the 23 May 1970 AFJ issue.

The recent history of the Navy's role on Culebra is peppered with broken promises, political maneuvering, implied lack of concern for the welfare of the Culebrans, and Congressional mandates. These have been interlaced with a quiet but strong and obstinate judgment by the Navy that there is no alternative to the use of Culebra's territory as an impact area for its Atlantic Fleet firing exercises.

The latest chapter in the saga of Culebra began January 1971 when the Navy signed an agreement with island officials and the Commonwealth of Puerto Rico which modified Navy's operations there. The agreement promised the reduction in the amount of firing against the island and restricted greatly the amount of Culebra's geography under Navy's control.

The Navy has lived up to that part of the agreement. For example, naval gunfire support target hours in 1969 were approximately 1,620 hours, while in 1972 they were approximately 1,430 hours. Total hours for air-to-ground ordnance on cays near Culebra totaled 2,530 hours in 1969 and were reduced to 2,045 hours in 1972. In addition the Navy no longer schedules firing on weekends except in an emergency and only with prior notice to the Mayor of Culebra. Further, although the agreement allows the Navy to fire for a 15-hour period any day Monday through Friday, actual firing is much less—about 5.5 hours in 1972.

The Navy has also taken other steps to make firing on Culebra more acceptable to the Culebrans. They include:

Cessation of explosive bombardment of the Northwest Peninsula of Culebra.

Development of non-explosive rounds for Naval gunnery practice.

Opening all of Flamingo Beach for public use at all times except during ship-firing.

Provision of unrestricted sea and air corridors between Culebra and St. Thomas, Vieques and mainland Puerto Rico.

Stationing of a Spanish-speaking U.S. Naval officer in Dewey and another in Isabel Segunda on Vieques responsible for range safety.

The final provision of the 11 January 1971 agreement, however, has not been met. It reads in part, ". . . the Navy promises to investigate geographic alternatives to the training done around Culebra. The purpose will be to find feasible alternatives that will eventually permit the transfer away from Culebra of the training that will be conducted after 1 January 1972."

Following up on this agreement, Secretary of Defense Melvin Laird announced in April 1971 that Navy activities would be moved from Culebra by June 1975. In later statements, on at least two occasions—one as late as 4 November 1972, just before the Puerto Rican gubernatorial elections, Laird said that by December 1972 he would announce "where" the Navy's activities on Culebra would be moved. At the time the Navy was conducting a $2.5 million "independent" study directed by Congress to explore alternatives to Culebra. These alternatives were to include building a floating or artificial island to be used as an impact area.

The current crisis was generated on 27 December 1972 when Laird announced that the shelling and bombing of Culebra would continue until at least 1985. In a letter to interested members of Congress, Laird wrote that the recently completed Congress-directed (and still classified) study concluded that the "present Culebra complex is clearly superior in every regard to the alternatives considered and recommended that the Navy continue to use the present Culebra complex." He continued, "I had hoped the study would make possible the transfer away from Culebra of the remaining training operations . . . After recovering the study, my recommendation is that the Navy retain its training targets in the Culebra complex . . ."

AFJ does not challenge the Navy's claims that it needs the island or Secretary Laird's acceptance of the recommendations of the "independent" study which was conducted under contract to the CINC Atlantic Fleet. AFJ does question why Laird chose to use the term "where" the range would be moved when at the time he used it the decision to move it had not been made.

Neither DoD nor Navy officials accepted a request to discuss the issue. In response to a written AFJ question, "Why did the Secretary say 'where' the range would be moved instead of 'whether'?" the oral reply was: "You can say that a DoD spokesman said that Mr. Laird stands by his 27 December 1972 letter to interested Congressmen and no other earlier statements are pertinent."

This response is not typical of Mr. Laird and probably was not cleared by him. AFJ considers Laird as one of the best Defense Secretaries yet and one who has accomplished more of his goals than any of his predecessors. He has also been available to the press, open and frank in private discussions, and hardly one to call a misleading statement, whenever made, not "pertinent." AFJ believes Laird's decision on Culebra was a painful one for him and is confident he would have preferred to give some respite from the Navy's bombing to the people of Culebra. It is hoped he left enough options open so that Secretary Elliot Richardson

will be able to make a new decision more favorable to the Culebrans.

The Navy also was not very communicative, although it did provide written responses to a series of questions submitted by AFJ. Deputy Under-Secretary of the Navy Joseph A. Grimes, Jr., was "not available" for an interview even though Navy spokesmen suggested he be interviewed. Grimes has been deeply involved in Culebran matters for many years. He also is a highly respected official who has always been available to the press and as informative as security restrictions would allow him to be. His "non-availability" to AFJ on this occasion was surprising but perhaps justified. The Navy has other problems besides Culebra these days.

In any case we haven't heard the last of Culebra if Senator Baker has his way. Baker first became concerned about Culebra during a vacation trip to Puerto Rico in 1969. He offered an amendment to a military construction bill in September 1970 to force termination of training activities on the island. The amendment failed by a close vote of 39–37.

Baker claims that he has the support of Puerto Rican Governor Hernandez Colon and former governors Luiz Munoz and Luis Ferre for his bill. The newly elected Puerto Rico resident commissioner in Washington, Jaime Benitez, has also expressed support, Baker says. Colon and Ferre reportedly told Baker that the recent DoD decision was a "flagrant failure to honor a firm commitment."

Whatever the ultimate outcome—and Baker expects wide support for his bill—the Culebran issue will be rehashed again in Congress. Meanwhile political dissension will be stimulated in Puerto Rico which may threaten relations with the U.S. Although Puerto Ricans are not noted for homogeneity in politics, the disregard for the desires of 800 Culebrans may be an issue to polarize them.

THOMAS C. STEINHAUSER.

Mr. BAKER. Mr. President, I also ask unanimous consent that the names of the following Senators be added as cosponsors of S. 156: Senators HUMPHREY, ABOUREZK, BAYH, BIDEN, BROOKE, CASE, CRANSTON, DOMENICI, EAGLETON, FULBRIGHT, GRAVEL, HART, HATFIELD, HATHAWAY, HASKELL, HUGHES, JAVITS, KENNEDY, MANSFIELD, MCGOVERN, MONDALE, MOSS, MUSKIE, PACKWOOD, PERCY, PROXMIRE, RIBICOFF, SCOTT of Pennsylvania, STEVENS, STEVENSON, and WILLIAMS.

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

S. 324

At the request of Mr. SCHWEIKER, the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Illinois (Mr. PERCY), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 324, the Nutrition Medical Education Act of 1973, a bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine and dentistry.

S. 576

At the request of Mr. DOMINICK, the Senator from South Carolina (Mr. THURMOND), and the Senator from California (Mr. HASKELL), were added as cosponsors of S. 576, which provides for separate offense and consecutive sentencing in felonies involving the use of firearms.

S. 645

At the request of Mr. BAYH, the Senator from Nevada (Mr. BIBLE), the Senator from Hawaii (Mr. FONG), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. MATHIAS), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Maryland (Mr. BEALL) were added as cosponsors of S. 645, to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes.

S. 783

At the request of Mr. CHILES, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 783, to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 821

At the request of Mr. BAYH, the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE) the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 821, to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

S. 834

At the request of Mr. MUSKIE, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 834, the Intergovernmental Cooperation Act of 1973.

S. 838

At the request of Mr. TOWER, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 838, to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces.

S. 983 AND S. 984

At the request of Mr. BAYH, the Senator from Indiana (Mr. HARTKE), the Senator from Rhode Island (Mr. PELL), the Senator from North Dakota (Mr. BURDICK), the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 983, to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II; and S. 984, to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced.

S. 985

At the request of Mr. BAYH, the Senator from Indiana (Mr. HARTKE), the Senator from Rhode Island (Mr. PELL), the Senator from North Dakota (Mr. BURDICK), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 985, to amend the Controlled Substances Act to establish effective controls against diversion of particular controlled substances and to assist law enforcement agencies in the investigation of the diversion of controlled substances into other than legitimate medical, scientific, and industrial channels, by requiring manufacturers to incorporate inert, innocuous tracer elements in all schedule II and III depressant and stimulant substances, and for other purposes.

S. 1136

At the request of Mr. KENNEDY, the Senator from Alaska (Mr. GRAVEL), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 1136, to extend the expiring authorities in the Public Health Service Act and the Community Mental Health Centers Act.

S. 1165

At the request of Mr. Moss, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1165, to amend the Federal Cigarette Labeling and Advertising Act of 1965, as amended by the Public Health Cigarette Smoking Act of 1969, to define the term "little cigar," and for other purposes.

SENATE JOINT RESOLUTION 47

At the request of the Senator from Oklahoma (Mr. BARTLETT), the Senator from Wyoming (Mr. HANSEN), and the Senator from Georgia (Mr. TALMADGE) were added as cosponsors of Senate Joint Resolution 47, forbidding the assignment of children to schools because of their color.

SENATE JOINT RESOLUTION 57

At the request of the Senator from Oklahoma (Mr. BARTLETT), the Senator from Rhode Island (Mr. PASTORE), the Senator from South Carolina (Mr. (HOLLINGS), the Senator from Georgia (Mr. TALMADGE), and the Senator from Kentucky (Mr. COOK) were added as cosponsors of Senate Joint Resolution 57, authorizing freedom of prayer in our classrooms.

## EXTENSION OF ECONOMIC STABILIZATION ACT OF 1970—AMENDMENT

AMENDMENT NO. 37

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

AMENDMENT TO ESTABLISH A CEILING OF $265 BILLION FOR EXPENDITURES FOR FISCAL YEAR 1974

Mr. PROXMIRE. Mr. President, on behalf of myself, Mr. HOLLINGS, Mr. STEVENSON, Mr. HARRY F. BYRD, JR., Mr. ERVIN, Mr. ALLEN, Mr. BENTSEN, Mr. CHURCH, Mr. MCGOVERN, Mr. HASKELL, Mr. HATFIELD, Mr. CHILES, and Mr. CANNON, I send to the desk an amendment to the bill S. 398, and ask that it be printed.

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

Mr. PROXMIRE. This amendment specifies that expenditures and net lending during the fiscal year ending June 30, 1974, under the budget of the U.S. Government shall not exceed $265 billion.

It is simply an amendment to provide an outlay ceiling for the President's new budget of $265 billion.

It is $4 billion below the amount in the President's budget. It represents a 6-percent increase over last year's spending instead of the 7.5-percent increase in the President's budget.

I had originally submitted the amendment as an amendment to S. 929, the devaluation bill. But as that bill will not be acted on until after S. 398, I am putting it in as amendment to S. 398. However, I may not press it to a vote on that bill but merely bring it to the attention of the Senate so that when S. 929 does come up, some of the arguments will have been heard.

AMENDMENT NO. 38

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

BAKERS UNDER PHASE III

Mr. TOWER. Mr. President, I am introducing today an amendment to S. 398, the extension of the Economic Stabilization Act, to correct a specific inequity that developed under phase II rules. After the announcement of the Soviet wheat sale in July of 1972, wheat prices in the United States began to rise dramatically, rising from $1.45 per bushel in Kansas City to as high as $2.71 per bushel at the peak price—almost a hundred percent increase. The price has since settled back to the $2.30 area, although the demand for wheat is still strong for the foreseeable future and might well push prices up again.

This increase in wheat cost for bakers brought about the following crisis. In the market for baked goods there is intense price competition, to the degree that a penny or two difference in the prices of two brands of bread will cause the lower priced one to sell and the higher priced one to sit on the shelf. The smaller bakers, who buy flour daily, were hit immediately with the rising wheat prices and needed to be able to raise their prices accordingly in order to avoid incurring losses. Under the individual profit margin limitations applied by the Price Commission and, later, the Cost of Living Council, the smaller bakers were by and large entitled to raise their prices to reflect the increased costs. However, the larger bakers were, by and large, in a better profit margin situation, and some were protected for a while from increased wheat costs by futures contracts and from profit margin reductions by the successes of other non-wheat related products and activities. Thus, when treated on an individual basis by the Price Commission, they were largely unable to raise their product prices in order to cover the increasing price of wheat and flour.

When this juxtaposition between large and small bakers developed, the small baker was faced with low shelf prices of larger competitors that he could only compete with by selling below cost or at an inadequate profit. It did not matter that the smaller baker was entitled by profit margin rules to raise his prices—as long as the larger bakers could not do so, the smaller bakers were effectively prevented from doing so.

I have requested the Price Commission and the Cost of Living Council several times to give the entire industry a cost-pass-through ruling that would save the smaller bakers from extinction by virtue of the unique interaction of product market and price controls forces in the face of a sharply rising factor price. They have chosen not to deal with this problem on an industry-wide basis to this date, and the problem has simply gone beyond a temporary adversity for the small bakers—it is now a severe, semi-permanent crisis for them.

I propose to remedy this problem with an amendment to the Economic Stabilization Act extension legislation, which will provide for an industry-wide pass-through of increased wheat and flour costs. This is the only apparent means that we have of preventing the controls program from inadvertently causing the demise of the small business sector of the baking industry, a development which would be unfavorable for long-run competition and price behavior in this market, and which is wholly inequitable from the standpoint of the unfortunate bakers caught in the middle of this squeeze.

I ask unanimous consent that the text of this amendment be printed at the conclusion of my remarks.

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

AMENDMENT NO. 38

On page 5, after line 9, insert the following:

Section 203 of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following new subsection:

"Firms subject to the prenotification and reporting requirements of subpart F of the Cost of Living Council regulations effective January 11, 1973 (6 CFR part 130, subpart F) which are engaged in a business included in group 205 (Bakery Products) or 546 (Retail Bakeries) of the 1972 Standard Industrial Classification Manual of the Office of Management and Budget may pass through in prices of products in group 205 or 546 increases in the prices of wheat and flour which have occurred since July 8, 1972, and which may continue to occur after date of enactment of this provision. Price increases under the authority of this subsection shall reflect such increases in the prices of wheat and flour only on an incurred dollar for dollar basis, and may be initiated as of date of enactment, subject to subsequent review and approval of the Cost of Living Council under such regulations as it may issue under authority of this subsection. Such regulations shall not impose any period of delay upon affected firms in reflecting incurred increases in wheat prices immediately in the prices of the relevant products."

AMENDMENT NO. 39

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

Mr. PROXMIRE submitted an amendment, intended to be proposed by him, to Senate bill 398, supra.

AMENDMENTS NOS. 40 AND 41

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

Mr. McGOVERN. Mr. President, I submit two amendments to S. 398, the Economic Stabilization Act Amendments of 1973, and I ask unanimous consent that the text of these amendments be printed at this point in the RECORD.

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

(AMENDMENT NO. 40)

After section 5, add the following new section and renumber the other sections accordingly:

IMPOUNDMENTS

SEC. 6. Section 203 of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following new subsection:

"(k) The authority granted to the President under this title shall become null and void in the event that the President, after the date of enactment of this subsection, withholds or reserves or causes to be withheld or reserved in excess of 5 per centum of any obligational authority provided by law or of any funds appropriated under such authority."

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AMENDMENT NO. 41

At the end thereof add the following new section:

WAGE AND PRICE STANDARDS

SEC. 9. Section 203 of the Economic Stabilization Act of 1970 is amended—

(1) by adding the following new subsection, and renumbering the other subsections accordingly:

"(b) In the event that the President issues any orders or regulations for the control of wages and salaries pursuant to subsection (a) of this section, such orders shall also provide for the control of the prices of the employer, and shall limit any increase in such prices to an amount sufficient to cover any projected increase in the net cost of producing the product or offering the service: *Provided, however,* That nothing in this subsection shall be used to hold prices for such employer below a level which would yield a profit margin of 7.5 per centum."

(2) by adding the following new subsection and renumbering the other subsections accordingly:

"(e) Notwithstanding any other provision of this title, no order, regulation, or standard may be issued pursuant to subsection (b) or (c) of this section which has the effect of increasing the rate of profit of the person or entity seeking a price increase to a level above the rate of profit such person or entity earned during the twelve-month period prior to May 25, 1970, or 7.5 per centum, whichever is higher.".

(3) and by adding at the end of subsection (f) (redesignating subsection (h) of that section) the following:

"(4) or which in the aggregate is equal to or less than the higher of—

"(A) the sum of the increase in the cost of living and any increase in productivity since May 25, 1970, less any wage or salary increase since that time, or

"(B) the amount of windfall profit the employer received from any increase in profit margins since May 25, 1970."

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## ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 20 TO S. 929

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Senator from Colorado (Mr. HASKELL) be added as a cosponsor to amendment No. 20, to S. 929 which would establish a ceiling on

spending for fiscal year 1974 of $265 billion.

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

AMENDMENT NO. 27 TO S. 158

Mr. CRANSTON. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors, along with Senator KENNEDY and myself, of amendment No. 27 to S. 158, the proposed Free Flow of Information Act: The Senator from Connecticut (Mr. RIBICOFF), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. HUGHES), and the Senator from North Dakota (Mr. MCGOVERN.)

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

## NOTICE OF HEARINGS ON RECOMMENDED JUDGESHIPS

Mr. BURDICK. Mr. President, I wish to announce continuation of the public hearings before the Subcommittee on Improvements in Judicial Machinery on the omnibus judgship bills.

The hearing will be held in room 457 Russell Office Building, commencing at 10 a.m. on March 21, 1973.

Testimony will be received from the Chief Judges of the Eastern District of Arkansas, the District of Alaska and the District of Puerto Rico.

Communications relative to these hearings should be directed to the subcommittee staff, 6306 Dirksen Office Building, extension 5-3618.

## NOTICE OF HEARINGS ON S. 821—THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1973

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee on Juvenile Delinquency of the Committee on the Judiciary is continuing its hearings on S. 821, the Juvenile Justice and Delinquency Prevention Act of 1973. Last year, the subcommittee held 4 days of hearings on S. 3148, which I introduced in the 92d Congress; and 1 day of hearings on S. 821, a slightly revised version of the bill which I introduced on February 8, 1973.

S. 821 is designed to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency.

The hearings have been scheduled for March 26 and 27, 1973, at 10 a.m. and 10:30 a.m, respectively, in room 2228 Dirksen Senate Office Building. The following witnesses have been scheduled to testify on March 26: Dr. Karl Menninger; Hon. Allard K. Lowenstein, national chairman, Americans for Democratic Action; Hon. Neil Goldschmidt, mayor of Portland, Oregon; and Hon. Justine Wise Polier, former judge of the family court, New York, N.Y. Witnesses scheduled to testify on March 27 are: Ms. Marian Edelman, director, Harvard Law and Education Center; Frank Jones, executive director, National Legal Aid and Defender Association; and Raymond Hoffman, Big Brothers of America, Philadelphia, Pa.

Any person who wishes to submit a statement for the record should notify Mathea Falco, staff director and chief counsel of the subcommittee at 225-2951.

## NOTICE OF HEARINGS ON THE "METHAQUALONE CONTROL ACT OF 1973"

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee on Juvenile Delinquency of the Committee on the Judiciary is beginning hearings on a bill I am introducing today (S. 1254) designed to facilitate law enforcement agencies and others in their efforts to investigate and curb the abuse of methaqualone diverted from legitimate channels of distribution to illicit markets. Specifically, this bill provides for the inclusion of methaqualone in schedule II of the Controlled Substances Act, requiring more effective controls, including production quotas, stricter distribution and storage security and more stringent import and export standards.

The hearings are scheduled for March 22, 1973, at 10 a.m., in room 6226 Dirksen Senate Office Building. The following witnesses have been scheduled to testify: a panel of former methaqualone abusers; Dr. Sidney Schnoll, Department of Pharmacology, Jefferson Medical College, Thomas Jefferson University, Philadelphia; Dr. George R. Gay, Director of Clinical Activities, Haight-Asbury Free Medical Clinic, San Francisco; Dr. James A. Inciardi, Department of Psychiatry, Division of Addiction Sciences, University of Miami Medical School; Ms. Julie Baumgold, investigative reporter; and Dr. Richard Kunnes, Department of Psychiatry, University of Michigan Medical School.

These hearings will be continued on March 28 and 29, 1973.

Any person who wishes to submit a statement for the record should notify Mathea Falco, Staff Director and Chief Counsel of the Subcommittee, at 225-2951.

## NOTICE OF HEARINGS ON METHADONE USE AND ABUSE

Mr. BAYH. Mr. President, I would like to announce that the Subcommittee on Juvenile Delinquency of the Committee on the Judiciary is continuing its hearings on effective treatment for heroin addicts, and the appropriate uses of methadone, including the problem of diversion. The subcommittee has held five days of hearings on S. 3846, introduced by Senator MARLOW W. COOK in the 92d Congress, in Los Angeles, San Francisco, Omaha, Louisville, and Indianapolis. This bill was reintroduced in the 93d Congress by Senator COOK as S. 1115 and is designed to regulate more strictly the storage and distribution of methadone.

The hearings are scheduled for March 21, 1973, at 10 a.m., in room 2228, Dirksen Senate Office Building. The following witnesses have been scheduled to testify: Dr. Jerome H. Jaffe, Director, Special Action Office for Drug Abuse Prevention; John E. Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs; Dr. Charles C. Edwards, Commissioner, Food and Drug Administration; and Dr. Herbert Raskin, Chairman, Committee on Alcoholism and Drug Dependence, American Medical Association.

Any person who wishes to submit a statement for the record should notify Mathea Falco, Staff Director and Chief Counsel of the Subcommittee, at 225-2951.

## NOTICE OF HEARINGS ON S. 707 AND S. 1160

Mr. RIBICOFF. Mr. President, due to an executive session of the Government Operations Committee on Thursday morning, March 20, 1973, the first day of hearings by the Subcommittee on Reorganization, Research and International Organizations and the Consumer Subcommittee of the Commerce Committee, on S. 707 and S. 1160, will be Wednesday, March 21, at 10 a.m., in room 3302, New Senate Office Building.

## ANNOUNCEMENT OF POSTPONEMENT OF INDIAN HEARINGS

Mr. ABOUREZK. Mr. President, I wish to announce that the hearings previously scheduled by the Indian Affairs Subcommittee for Monday, March 19, have been postponed. As soon as key witnesses are available to testify, the hearings will be rescheduled.

## ANNOUNCEMENT OF SUBCOMMITTEE ON CONSUMER ECONOMICS HEARINGS ON THE COST OF LIVING

Mr. HUMPHREY. Mr. President, as chairman of the Subcommittee on Consumer Economics of the Joint Economic Committee, I announce a hearing scheduled for March 21 on the cost of living. The witnesses are Dr. Herbert Stein, Chairman of the Council of Economic Advisers, and Mr. John T. Dunlap, Director of the Cost of Living Council.

I believe it is time for a reassessment of the cost of living situation.

Over a month has passed since the administration appeared before the Congress to discuss the problem of inflation and a great deal has happened since then.

The Consumer Price Index shot up 0.5 percent in January alone—and these numbers were collected before phase III was announced. Consumers face persistently high prices for food, fuel, gasoline, medical care services, and household services.

Wholesale prices soared 1.6 percent in February, and wholesale industrial prices showed the largest monthly increase in 22 years.

The dollar has been devalued and the international payment system remains unsettled.

Yet, despite all these factors, the ad-

ministration continues to insist that its price and wage control system is satisfactory.

I cannot accept this in view of recent developments and have therefore asked the chairman of the Council of Economic Advisers and the Director of Cost of Living Council to present the administration's interpretation of these recent developments.

I have asked these witnesses to tell us whether February wholesale price increases point to an acceleration in the cost of living spiral.

I have also asked the administration for a full explanation of why consumer and wholesale price increases are occurring, what are the justifications for the increases and how long we can expect such an escalation in the cost of living to continue.

Finally, I have asked the administration what it intends to do to protect consumers from this unacceptable cost of living escalation.

The hearing will be held on Wednesday, March 21, at 9:30 a.m. in room 1202 of the Dirksen Senate Office Building.

## ADDITIONAL STATEMENTS

### MAN IN SPACE

Mr. MOSS. Mr. President, we frequently hear complaints that we are spending too much money in space, with the implication that this is some kind of gigantic throwaway of hard-earned tax dollars into some kind of cosmic abyss.

The fact, of course, is that every single dollar in our space program is spent right here on earth, almost all of it right here in the United States, providing jobs for workers, profits for businessmen, and salaries for teachers, researchers, engineers, and scientists.

Nowhere has this fact been more understood than among the great labor leaders of our country. Last year the executive council of the AFL–CIO unanimously adopted a motion in support of a vigorous space program and specifically in support of the Space Shuttle.

That motion was offered by Floyd E. Smith, president, International Association of Machinists and Aerospace Workers. Mr. Smith has also written an extremely perceptive article entitled, "Man in Space: A Look Forward," which appeared in the March, 1973, issue of Aerospace magazine.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

MAN IN SPACE: A LOOK FORWARD

(By Floyd E. Smith)

The Apollo 17 command module splashed down in the Pacific Ocean on December 19, 1972.

This marked not the end of manned space efforts, but the beginning of a new era of space exploration by man that will see a reaping of incalculable benefits through Skylab, the joint U.S.-U.S.S.R. Apollo-Soyuz Test Project (orbital rendezvous and docking) and the Space Shuttle, the key program for the 1980s. All are based on the foundation created by the Apollo program of the 1960s and early 1970s.

Dr. James C. Fletcher, Administrator of the National Aeronautics and Space Administration, in a thoughtful assessment of the meaning of the Apollo program, made these important points:

Apollo re-asserted U.S. technological leadership long before we reached the Moon. That was an important fact of international life in the Sixties. It still is.

After Sputnik, but before Apollo, there was a theory that only a controlled economy and a Communist society could succeed with large scientific and technological undertakings such as space exploration. Apollo exploded that theory. Apollo demonstrated that we could respond effectively to a totalitarian challenge without resorting to totalitarian methods. Apollo produced the kind of government-industry-labor cooperation on large scale research and development programs needed to make the American system work, and keep it competitive with any other systems in the world.

On the way to the Moon, we discovered planet Earth. This may be the most important return from the Apollo program for decades to come. The startling new perspective of a lonely, lovely, fragile Earth as seen from the Moon gave great strength and impetus to the environmental movement worldwide, and it helped establish the fact that space technology was something new that could contribute greatly to the quality of life on Earth. It made us realize that although our Earth is just a place in space, it is the only home we have.

Building upon Apollo, our next venture in manned space will be Skylab. This project ready to be launched soon, has not received much public attention. However, it will provide dramatic evidence of the great advances made in the development of capabilities for scientific and practical work in manned spacecraft in Earth orbit. Skylab will have the same living and working room as a three-bedroom house for its three-man crews. The first Skylab will have a mission duration of 28 days and the second and third units will have missions of 56 days.

Its objectives are:

*Advancement of the Sciences*—To increase knowledge of medicine, astronomy, weather and physics. A prime goal is to collect previously, unobtainable information on the Sun-Earth relationship and its effects on our environment here on Earth.

*Practical Applications*—To perfect Earth-looking camera and sensor systems, and their related data systems, to benefit mankind's agriculture, forestry, oceanography, geography, geology, water and land management, communications, and ecology and pollution control. Skylab also will open up a dramatic new field—the development of manufacturing techniques in gravity-free conditions, a field that has the potential for yielding such products as higher quality vaccines and machined parts, such as ball bearings with a degree of near perfection that cannot be achieved on Earth where gravity is a factor.

*Human and Materiel Endurance*—To determine the ability of both human beings and Earth materials and systems to maintain their qualities and capabilities during long absence from gravity.

The Apollo-Soyuz Test Project planned for 1975, is the result of an agreement between President Nixon and Chairman Kosygin of the U.S.S.R.. made last May, for the rendezvous and docking of a U.S. spacecraft with a Russian spacecraft. An Apollo spacecraft will link up with a Soviet Soyuz spacecraft and while docked together astronauts and cosmonauts will visit both spacecraft and perform a number of scientific experiments.

A major purpose of the Apollo-Soyuz project is to develop a rescue capability by demonstrating systems that will permit the docking in orbit of any future manned spacecraft of either nation.

But perhaps the greatest benefit from this project is not definable in visible progress: The Apollo-Soyuz project could form the viable basis for our nations to work together at an engineering level in a program that could well spread to other areas of technical cooperation.

The main thrust of our manned space program for the future is the Space Shuttle. An analysis of what the U.S. has done in space would show that we have devoted most of our space effort in the Sixties to overcoming gravity on the way to the Moon and back. In the Seventies NASA aims to overcome the high costs of operating effectively in earth orbit.

The cost of the Space Shuttle is estimated at $5.15 billion compared with the $25 billion price tag on Apollo. This, however, should not be an index of the importance of the Shuttle. The Shuttle calls for much greater technological advances and adds more to our capabilities in space than the general public realizes.

NASA Administrator Fletcher puts it this way:

"Suppose we were back in 1961, and President Kennedy instead of choosing the lunar landing goal, had said: 'Build a Space Shuttle before this decade is out.' Believe me, without the technological progress we have since made in Apollo, building the Space Shuttle in the Sixties would have been an almost impossible assignment. And the cost would have approached that of Apollo. As it is, the cost is much less, but the Shuttle remains a challenging assignment for NASA and the skilled hands and minds of the aerospace industry. Comparing the usefulness of Apollo and the Space Shuttle in Earth orbit would be like comparing Lindberg's New York to Paris plans of 1927 with an intercontinental airliner of today."

The Space Shuttle appropriation for Fiscal Year 1973 was overwhelmingly passed by the Congress last year. *The Machinist*, our union weekly, noted in a front-page article in a May 1972 issue: "More than 50,000 aerospace workers will be employed on the program between now and its first mission."

Now that figure means a lot to every aerospace worker. It underscores a point I have made many times: The U.S. did not spend one thin dime on the Moon; the entire $25 billion was spent right here on Earth.

Representative Don Fuqua, of Florida, chairman of the Manned Space Flight Subcommittee of the House Committee on Science and Astronautics, in a speech on the floor of the House, made these cogent points:

One dollar spent on the space effort generates $2.50 in Gross National Product (GNP), $2.00 in personal income and $1.50 in consumer outlays.

A conservative evaluation of a $5.15 billion, six-year shuttle program, applying the multiplier effect, indicates a $12.9 billion addition to our GNP. Personal income contribution would be $10.9 billion with consumer outlays of $7.9 billion.

The net federal tax return from this activity would be on the order of $2.6 billion, returning half of the original investment.

Congressman Fuqua concluded: "Not all federal activity is or can be such an outstanding contributor to our economy."

These are the direct, identifiable economic benefits.

What is this program all about in terms of indirect benefits such as cutting the costs of our manned and unmanned space projects?

Courtland Perkins, Dean of Engineering, Princeton University, emphatically states that we must, as a nation, continue our remarkable activities in space exploration.

However, he adds: "At the heart of all this is the potential expansion of these activities through the reduction of the cost of the space operation. Today we are impeded across the full spectrum of activities due to the extremely high launch costs and the cost of space payloads. The National Aeronautics and Space Administration must consider this to be their number one objective in fulfilling their mission of advancing space technology."

Dean Perkins mentions these possibilities for reducing costs: Antigravity; a propulsion breakthrough; recovery and re-use of launch systems *and* payloads.

Today the only one offering a payoff is the recovery and re-use approach—the Space Shuttle. He lists these other major justifications for the Shuttle:

Takes full advantage of the NASA capabilities developed through their manned space program.

Reduces our complicated stable of rocket launchers required for a wide variety of missions.

Lowers the cost and increases the flexibility of space operations.

Signals our young people that we are not about to throw away our carefully developed technical capability.

Can provide the focus for many new technical advances during the next decade.

"We are orienting our national space program along new lines and developing new motivations," Dean Perkins says. "There is a solid base for our national space program which can be expended further in many practical ways if we can reduce the cost. The shuttle program can do this . . ."

Physically, the Shuttle will consist of a manned reusable orbiter craft, mounted piggy-back at launch on a large, expendable liquid propellant booster and two recoverable and re-usable solid-propellant rocket boosters. The orbiter will look like a delta-winged airplane, about the size of a McDonnell Douglas DC-9. In fact, after it completes an Earth orbit mission, the orbiter returns to Earth and lands in the same fashion as a jetliner.

NASA has made studies of Space Shuttle missions over the next 18 years that indicate approximately 26 per cent are likely to be manned or man-tended, including the manned sortie missions.

Man-tended payloads are concentrated in physics, astronomy and processing in space because such missions involve either complicated laboratory equipment and human judgment or selective observations, in the case of astronomy.

The remaining 74 per cent, involving delivery of unmanned missions, are expected to be made up as follows:

| | *Percent* |
|---|---|
| Applications: Earth resources, communications and navigation | 27 |
| Science: Physics, astronomy and planetary | 25 |
| Department of Defense | 22 |

In launching unmanned automated payloads the Space Shuttle flight crew will be able to check out the satellite in space, make adjustments, and calibrate instrumentation to ensure successful operation before leaving the satellite unattended.

If necessary, the satellite can be retrieved and returned to Earth for more extensive repair to avoid a complete loss. The Shuttle will also provide a capability to repair in space or to retrieve a malfunctioning satellite from Earth orbit.

In a study of 131 satellite failures which have occurred in the past, 78 were related to launch problems, which could have been avoided with the more reliable shuttle vehicle. Of the remaining 53, the spacecraft were inoperable or erratic and could have been returned to Earth for further work if the Shuttle were available.

An example of the usefulness of the Shuttle is in the Orbiting Astronomical Observatory program (OAO) where millions of dollars could have been saved by using the Shuttle's operational flexibility. A battery charger failure of OAO 1 could have been corrected by returning it to Earth. The shroud jettison problem that prevented OAO 3 from attaining orbit could have been avoided if it had been launched from a Shuttle.

I am proud that on my motion the AFL-CIO Executive Council last year adopted a statement backing the Space Shuttle.

The Council said: "The benefits of next generation space applications in such fields as the management of natural resources, monitoring of pollution, weather modification and climate control, television distribution, earthquake prediction and public health and safety will not be fully realized unless we can reduce costs and raise efficiency and acquire a flexibility of action not yet possible. That is what the space shuttle is for. Without it, we will lose many valuable programs."

The Council concluded: "We can no more ignore space than we can ignore the oceans or the continents. We would not have the free world without ships, without aircraft or without land mobility. We cannot envision a secure, technologically advanced western world without technologies that allow us the freedom of space as well."

The statement was valid then. It is even more valid today as the Shuttle moves toward operational readiness.

## UTILIZATION OF GREAT LAKES PORTS

Mr. TAFT. Mr. President, the task of promoting the utilization of the Great Lakes ports is of critical importance to the Midwest and the Nation. I am pleased to see that organizations such as the Toledo-Lucas Port Authority have given real professional impetus to this important undertaking. Simliarly, mayors, such as Cleveland's Ralph Perk, and other local public officials are joining the council of Lake Erie ports and the Great Lakes task force in their efforts to provide fuller development and better utilization of the ports on our Great Lakes.

One of the most important undertakings of these organizations is the extension of the St. Lawrence Seaway and its development to permit increased usage of the seaway as well as allowing the passage of ships with greater capacity. This effort will require continuing cooperation between the United States and Canada such as that which made the St. Lawrence Seaway possible at its inception. It is my hope that the tremendous breakthrough in the wheat sale to Russia which puts us in competition with Canada will not hamper our relationship but rather act as a stimulus for further economic development of both countries through increased usage of the seaway by Russian ships.

I am concerned, however, that our relationship with Canada, our balance-of-trade situations, and our free trade policy will be seriously jeopardized by the Burke-Hartke proposal.

The Burke-Hartke bill is protectionist legislation at its worst and most certainly hearkens back the trade wars of the 1930's. The rollback in imports caused by that proposal would cause prices to increase with the short-run effect of causing cost-push inflation of a substantial magnitude. The widespread retaliation and discrimination against American exports will aggravate the present crisis in our trade balance as well as cost a substantial net loss of U.S. jobs, especially in the Great Lakes region. It has been estimated that 3 million American jobs depend on our exports. A recent Brookings Institution study estimates that the Burke-Hartke bill quota provisions would cost the United States at least $58 billion during the first 15 years after its enactment. Since the United States is one of Canada's major trading partners the Burke-Hartke bill could have a devastating effect on the entire relationship of our countries.

I support the goals which the Great Lakes task force has set for 1973. For me the top priority must be a thorough reform of the ratemaking practices of the ICC. To be frank, keeping the Great Lakes ports open year around will not do much good if the ICC keeps diverting traffic to East coast ports. In 1970, only 39 percent in tonnage of manufactured waterborne exports originating in Ohio went out through the seaway.

To state it very plainly, the ICC has discriminated against the Midwest and ports in the Great Lakes. This has cost thousands of jobs at Toledo, Cleveland, and other ports.

Electrical transformers made in Zanesville, Ohio, for example, can be shipped all the way to New York City for export for less than they can be shipped to Cleveland. This is the type of rate discrimination which is handcuffing the development of our ports and our international competitive status. We should tolerate it no longer.

The ICC was created in large part to prevent arbitrary and discriminatory rates. The record shows, however, that the ICC has not done its job and has allowed discriminations of many types to flourish.

The year 1891 was a landmark year for rate policy. In that year an engineer named Crompton, outlined a commendably simple method of selling a new source of power—electricity. His system involved measuring the use of capacity and over-capacity costs in producing service and the relationship of average output to peak capacity output. This idea was promptly taken up and used to design the two-part rate system used by our Nation's electric utilities which provide an incentive discount for volume. Under this concept the more electricity the customer uses the cheaper is the rate he gets.

Also, in 1891, Professor Taussig published his classical statement on the theory of railroad rates in the Harvard Quarterly Journal of Economics. In direct contrast, he concluded that the value of

transportation service to the customer, and not the cost to the railroad, ought to be the governing principle in railway rates. Professor Taussig was saying that the railroads should plunge into all kinds of abstruse calculations to find out what the value of transportation service should be for an inordinately large number of products. This, plus the bureaucracy it created, has led in large part to the problems of freight regulations today. When cast lenses are shipped at a different rate from ground lenses, something is wrong. How sensible would it be if electric utilities charged one rate to bicycle manufacturers and another rate to sewing machine manufacturers? Value of service pricing has resulted in a maze of rates which are unintelligible to most shippers and even to most bureaucrats at the ICC.

In 1971, I received a letter from Mr. Herbert O. Whitten, a transportation consultant for the Department of Transportation. In that letter he described our rate system as "conflicting, obfuscating, confusing, complex, outdated, and even deceiving." The complexity of the present rate structure is illustrated in his letter. He estimated that—

> There are in existence 43 trillion railroad rates on file at the ICC . . . I have personally measured the tariffs on file in the ICC tariff room and counted 4,300 feet of tariffs—without an index to the rates covered. This is equal to a stack 7½ to 8 times as tall as the Washington Monument or 3½ times as tall as the Empire State Building with its TV antenna. . . . Interestingly enough some 1,300 electric utilities, serving the same national economy, manage to produce about twice as much revenue in the same national economy with a rate structure which is entirely contained in a book about 2½ inches thick, published by the Federal Power Commission.

As a result of value of service pricing, rates vary not only by commodity but also as to the direction in which the freight moves. An importer of sugar in Columbus, Ohio, could have it shipped from Norfolk, Va., for less money than from next door in Toledo. A buyer of chrome ore in Calvert, Ky., could have it shipped from New Orleans, for about one-third as much as from Toledo. Iron ore could be shipped to Ashland, Ky., from Baltimore, for only about half as much as from Toledo.

The Great Lakes task force brought to my attention the following example of rate discrimination as authorized by the ICC: To ship synthetic rubber from Louisville, Ky., to New York for export, 834 miles, the rate in 1970 was 95 cents per hundredweight. But the rate for the same commodity to Toledo, a distance of only 298 miles, was $1.18.

Why it should cost more to ship rubber 298 miles than 834 miles is a secret locked within the bureaucratic tangles of the ICC.

The American railroad rate structure is the work product of bureaucracy at its worst.

Rate hearings are long, protracted, and expensive. The results are irrational and the consumer is the one who suffers.

In the "Big John" case, consumer savings on meat, bread, butter, and milk, were estimated at $30 to $40 million annually under rates proposed by the Southern Railway. It took over 2 years, however, for the Southern to obtain permission to lower its rates and 2 more before final approval was received.

At a speech before the New York State Bar Association on January 28, 1971, the Honorable Richard McLaren, then Assistant Attorney General, Antitrust Division made these observations about ICC rate regulations:

> Regulation has led to high value-of-service-freight rates with little relationship to the lowest cost available in transporting a given commodity. Under ICC ratemaking proceedings, rates generally are allowed to rise to the level of the highest cost carrier in the market. For the most part, only inefficiency is rewarded in this protective atmosphere and in the long run the Nation's resources are seriously misallocated.
>
> Shippers, consumers, and carriers all pay the cost of high rates and inefficiency. ICC rate maintenance is estimated to account for 400 million to 1 billion dollars of the Nation's annual freight bill. Artificially high rates discourage interstate commerce and—as the recent experiences of the railroads vividly demonstrate—do not lead to increased profits for the carriers, instead, operating revenues are devoured by higher costs in overcapacity and inefficiency. Some observers of the regulatory scene point out that the railroads would now be in a much better shape if they had been able to price competitively.

He concluded by stating that:

> Of one thing I am sure, competition as a regulator has a far better track record than the administrative agencies.

On February 5, 1973, I introduced S. 756, the Modern Railway Transportation Act. This measure would divest the ICC of all railroad ratemaking authority. The act would allow each carrier to establish its own rates in the competitive market structure subject to the following limitations:

First, there could be no rate discrimination as to the identity of the shipper, the direction in which the shipment moves, or the value of the cargo;

Second, there could be no rebates made to any shippers; and

Third, there could be no agreements between carriers with respect to rates or charges.

The act would permit rates to be based upon the weight and cubic volume of the shipment, the need for special equipment or special switching, the distance traveled and whether the cargo was general merchandise or a bulk commodity. Rates could also be lowered for unit train shipments and multiple care shipments.

These rate provisions could be enforced in the U.S. district courts upon complaint of the Secretary of Transportation or any party in interest.

This act is designed to eliminate the discriminatory, cumbersome, complex, arbitrary, and irrational rate structure existing in the railroad industry today. Shippers and consumers would be protected by the antidiscrimination provisions of this act. In short, this bill is intended to protect the public rather than the practitioners before the ICC who seem to be the principal beneficiaries of the existing law.

Let me emphasize that deregulation will help America's consumers. Prof. Thomas Gale Moore of Michigan State University, undertook a study for the Brookings Institution in which he concluded that America's consumers pay up to $7 billion per year in excess freight rates largely because of overregulation. The measure which I have introduced could be translated into cheaper cars and cheaper potatoes for the American public.

The railroads are not, however, getting rich by virtue of this rate structure. On the contrary, these rates are necessary to pay for the unproductive branch lines and unproductive work practices which have been tolerated for too long by rail management and our regulatory authorities.

Professor Moore's estimate of a saving of approximately $7 billion a year is larger than I anticipate. In my judgment, the saving would more approximately reach $2 to $3 billion a year, which is not insignificant to the American consumer.

In 1956, truck tariffs on chickens and frozen foods were freed from regulation, and by the following year the Department of Agriculture found that freight rates for fresh chickens had fallen 33 percent and those on frozen chickens, 36 percent. Rates on frozen foods generally had declined by an average of 19 percent during the year. The quality of service had improved.

Let me observe that truckers have been equally frustrated at times with ICC procedures. One only has to think of the Hilt truck line which became so frustrated at ICC practices that it filed a tariff on yak fat from Omaha to Chicago. If there are any yaks in the United States, I have never seen one. But the tariff stated that it would be shipped in minimum quantities of 80,000 pounds and would be acceptable in glass or metal containers, barrels, boxes, pails, or tubs. The Western Railroads became so alarmed that this rate might take all of the yak fat business away from them that they requested the ICC to suspend the yak fat rate. The railroads filed documents which purported to show that yak fat hauling costs added up to 63 cents a hundred pounds and, therefore, the 45-cent rate of the Hilt truck line would be below cost.

The regulatory process had become such a never-never land that the nonexistence of yak fat freight did not slow up the ICC at all. On April 7, 1965, the ICC's board of suspension voted to suspend the yak fat rate. By mid-April the ICC received a letter from the railroads stating that they had formed a committee to argue the yak fat case, which committee included the Burlington, the Rock Island, Chicago Great Western, the North Western, the Illinois Central, and the Milwaukee Road. This type of proceeding makes great business for lawyers and comedians but is not very sensible from the standpoint of America's shippers and the men and women who work to provide transportation.

I welcome the ICC's investigation into export-import rates as a part of ex parte 270. I also welcome the fact that former

Senator Allot has been engaged to undertake a major review of rate policies. I believe, however, that despite these studies, we need legislation such as I have introduced to end once and for all the possibility that the ICC will use its rate authority to perpetuate discriminatory rates against Great Lakes ports. At the present time, only a small portion of the imports to and exports from the Midwest go through the St. Lawrence Seaway. How frustrating it must be for directors of Great Lakes ports to know that they must not only develop their port facilities, but fight against their own Federal Government in seeking to use their ports.

These discriminatory policies, if permitted to continue, will mean that every year, thousands of jobs will be lost to the economies of Great Lakes communities in favor of the Atlantic ports. I think that we should join together and set as one of our top priorities the end of these discriminatory practices. Only through such an effort can the ports on the Great Lakes develop to their fullest potential as the fourth sea coast of our country.

## ALABAMA CASUALTIES IN VIETNAM

Mr. ALLEN. Mr. President, shortly after becoming one of Alabama's U.S. Senators I began the practice of placing in the RECORD, on a quarterly basis, the names of Alabama servicemen who were listed as casualties of the Vietnam war.

Through September 30, 1972, 1,167 Alabama soldiers, seamen, marines, and airmen became casualties of that tragic war. With the cease-fire in Vietnam on January 27, 1973, and with the withdrawal of American troops, our prayers have been answered and the time has now arrived when the publication of casualty lists can end. But during the 4 months since I last entered a list of casualties, two additional Alabamians were killed, bringing Alabama's final toll to 1,169 men.

Mr. President, Alabamians join all other Americans in rejoicing at the end of the war and the return of our prisoners. We will never forget the patriotic service and sacrifices of those who were wounded nor of all others who served their country in this tragic war. They and their memories will always be close to our hearts for they have earned our undying gratitude.

But, for those who died, only their memories remain. And in memory of all those heroic Alabamians who died in Vietnam, I wish to place these last two names in the permanent archives of the Nation, paying tribute to them on behalf of the people of Alabama, for their heroism and patriotism.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of these Alabamians and of their kin, so that now with the end of that longest and saddest of American wars, the ranks are closed and the record is complete.

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

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL FROM THE STATE OF ALABAMA IN CONNECTION WITH THE CONFLICT IN VIETNAM, OCTOBER 1, 1972, THROUGH JANUARY 27, 1973

ARMY

Pfc. William J. Terry, husband of Mrs. Gloria A. Terry, 5605 "H", Birmingham, 35208.

Sp4. Milton C. Hunter, brother of Mr. Bobby J. Carter, 502 D Hardaway Circle, Opelika, 36801.

## SOME THOUGHTS ON THE 61ST ANNIVERSARY OF THE GIRL SCOUTS

Mr. BROOKE. Mr. President, since the early 1830's, when Alexis de Tocqueville recorded his observations on the American scene, visitors from abroad have continued to remark on the American genius for voluntary organization. This year's observance of Girl Scout Week, marking the 61st anniversary of the founding of this fine volunteer-led youth movement, finds many Americans in agreement with Secretary of Defense Richardson's recent appeal for a renewal of the voluntary ethic in American life and for strengthened support of the private, voluntary sector's role in resolving current problems and in moving the Nation forward. The Secretary wrote in the New York Times:

> Never before in our nation's history have voluntarism and the voluntary ethic been so important to the preservation of what is best and most important in American society.

In 1913, when Juliette Low recruited a small band of voluntary associates to help found America's first Girl Scout troop, it was evidence of her strong faith in the American capacity to advance worthwhile causes through organized, volunteer effort. In the 61 years since, many thousands of able men and women have volunteered their time and energies, their service and leadership and skills, to assure to each succeeding generation of girls the opportunities for self-development and learning-by-doing that Girl Scout membership provides. Today, Girl Scouting is active in all 50 States, and its registered membership has grown to nearly 4 million girls and adults. Thanks to the example of its volunteer leaders, and Girl Scout program's emphasis on community service, millions of young Girl Scouts have been inspired to adopt service to others as a way of life in their adult years. It is to both these "graduates" of Girl Scouting who have become volunteer leaders in communities across the Nation, and the Girl Scout movement's splendid volunteer leadership, that we pay tribute during this anniversary week. They are not only helping to keep alive a great American tradition; they provide evidence, especially reassuring in these critical times, that, despite shortages of governmental money or manpower, private citizens, organized for effective, ongoing volunteer action, remain America's most valuable natural resource.

Like all viable movements, Girl Scouting, throughout its 61 years, has demonstrated a capacity to combine reverence for its traditions and symbols with a lively freedom to revise and innovate. Girl Scouts are not only keeping pace with today's rapid social changes; in many areas of concern, they are setting new directions for other young people to follow.

As pioneers in developing girls' outdoor skills, today's Girl Scouts are naturally concerned environmentalists. True to Girl Scout tradition, moreover, they are translating that concern into direct action, as their current Eco-Action projects, in all 50 States, demonstrate. Since Girl Scouting was one of the first organizations to encourage girls to be independent, self-reliant female citizens, Girl Scout program is also continuing to emphasize girls' need to prepare for newly emerging female life-roles. A national "Career Previews" project, begun last summer when Senior Scouts were brought to New York City for short-term work assignments in leading professional and business firms, is now serving as a working model for local Girl Scout councils which are implementing similar projects in other areas of the United States. This on-the-job career exploration is only one of a number of Girl Scout projects designed to demonstrate to girls that they must choose early, and prepare early, if they are to be ready for the high-level jobs becoming available to the "new" woman. Recognizing that all areas of women's lives are becoming increasingly outer-directed and complex, Girl Scouts are actively involved, too, in learning and service projects designed to improve human relations skills and to deepen understanding of persons of different cultural, racial, ethnic, or economic backgrounds. Girl Scouts from suburban and rural areas have been brought to the cities for indepth experiences in urban living. Disadvantaged inner-city girls spend to 2 weeks each summer at Girl Scouting's magnificent National Center West in Wyoming. For many, it is their first experience of living in surroundings of unspoiled, natural beauty. Girl Scouting also touches the lives of thousands of other inner-city children, both boys and girls, Scouts and non-Scouts, through summer-long Girl Scout-sponsored day and resident camp programs. An experimental 2-week camp which brought Atlanta teenagers of all economic levels together in the summer of 1971, is now providing similar impetus and directions for all Girl Scout camps in the region. The initial, experimental camp won a 1971 American Camping Association Award for innovative program and is now being followed up, in Atlanta, by Girl Scout-sponsored "rap sessions" between inner-city and suburban youngsters at one of that city's large housing projects. Innovative projects like these are being duplicated by Girl Scouts across the country in an energetic, intelligent effort to increase understanding among Americans of diverse backgrounds during girls' important formative years. These are the years, experts agree, when prejudice is most likely to

develop. Not only do the Girl Scouts thereby make an immediate contribution to an improved social climate in the Nation; they are also helping to instill in millions of future citizens fundamentally healthy, affirmative attitudes toward members of diverse groups within the society.

Certainly, Girl Scouts of the United States of America merits the enthusiastic plaudits of this body, and the respectful salute of all Americans, as many millions of Girl Scouts, past and present, join in this year's observance of Girl Scout Week, from March 10 to 16. For 61 years, Girl Scouting has demonstrated that girls' lives can be substantially enriched through concerned voluntary effort. Today, the Girl Scout movement is clearly "paying its way" in the larger society, by meeting girls' changing needs and perceptions, and by bringing together, in its free and equal association, all of the 7- through 17-year-old girls in our heterogeneous Nation.

## THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in 1945, the effective and powerful leadership of the United States helped to insure the endorsement of the international promotion of human rights in the United Nations Charter.

The U.S. delegation stanchly supported the human rights section of the United Nations Charter, because it recognized that unchecked domestic oppression too often grows into foreign aggression, as was demonstrated by Nazi Germany and her allies during World War II.

Twenty-eight years ago the United States was taking the lead in promoting human rights. Although we can be proud of our leadership at the 1945 convention, we must not stand on our past achievements. Instead, the United States must continue to struggle to see that our leadership and achievements prevail.

For 24 years, however, the Senate has rested on its laurels by refusing to take a stand on the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. I believe that Americans overwhelmingly support international standards of human dignity. The American people want for the people of the world the freedom and the right to "life, liberty, and the pursuit of happiness" that we cherish so deeply for ourselves.

Nevertheless, critical voices are raised in objection to the Genocide Convention. They ask why we need this accord when our own laws already protect us from the threat of genocide.

This is a question which deserves an answer. The United States has a stated foreign policy objective to promote peace and freedom. We must recognize that human rights, especially the rights to life and peace, are interdependent.

When the Senate gives its careful consideration to the Genocide Convention it must look at the inherent connection between human rights and world peace. I believe that we in the Senate must reassert our position of leadership and ratify the Genocide Convention.

## IN PURSUIT OF JUSTICE

Mr. BAYH. Mr. President, Mr. Justice Louis B. Heller, a member of the Supreme Court of the State of New York, has written a cogent and interesting article on the problems relating to the workload of the U.S. Supreme Court. His article, "In Pursuit of Justice," appeared in the February 8, 1973, issue of the Justinian, a publication of the Student Bar Association of the Brooklyn Law School.

I recommend this article to Senators and ask unanimous consent that it be printed at this point in the RECORD.

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

COMMENT: IN PURSUIT OF JUSTICE

(NOTE.—This column is reserved for future commentary on current issues relating to the Judicial System.)

In the New York Law Journal of August 16, 1972, there appeared an article by Charles F. Kiley entitled, "Powell Expresses Some Regrets Over Appointment to High Court." At a meeting of the American Bar Association, held in San Francisco, Justice Powell is quoted as saying, "The changes in my personal life style have been profound and not altogether welcome. I would still prefer to be a practicing lawyer. I do not enjoy the constraints of being a judge." The article further states that the Judge's long career as a highly successful lawyer was interrupted when he was persuaded by President Nixon to accept an appointment to the Supreme Court of the United States; that this has proved to be an "unwelcomed change" in his life; that he has become disenchanted; that his inability to acquire complete satisfaction in his new work has resulted from his discovery that "The caseload of the court is approaching twice its proportions, with the situation certain to worsen * * * that this volume * * * together with the other work of the court, cannot be considered with requisite care and deliberation."

It would be an understatement to say I was surprised and shocked upon reading this story. I read the article at least five or six times before I could believe it. I can just imagine how pained must have been the reaction of my former distinguished colleague in the House of Representatives, the President of the United States, on learning of Justice Powell's statement. Certainly the President did not twist Justice Powell's arm when proffering the appointment to him. With all due respect to Justice Powell, and without any intention of assuming the unwarranted role of his preceptor, I suggest that if the learned Judge longs to return to the successful practice he abandoned, he should tender his resignation at once. It would not be the first time a judge became disenchanted and returned to the practice of the law. Since his appointment is so recent, Justice Powell should take this step immediately; otherwise, he will be embarrassed when friends congratuate him on his promotion.

How unlike Justice Powell's attitude toward his responsibilities was that of Lord Tenterden, one of England's Chief Justices, whose view of judicial duty was nobly expressed in his comment to a friend who congratulated him on his promotion from the Bar, that "the search after truth is much more pleasant than the search after arguments." Justice Tenterden's heart was in the law.

If I were a practicing attorney, I would feel extremely uncomfortable in arguing a case before a judge who I knew was unhappy and disenchanted with his work. A lawyer is entitled to the best in a judge, and the least to which counsel and his cause are entitled is a judge who can inspire in him confidence that his arguments and briefs will be studied "with requisite care and deliberation." Conversely, a judge is entitled to the best in a lawyer.

As to the complaint about the caseload, Judge Julius M. Mayer, formerly of the United States Circuit Court of Appeals, fifty years ago, said:

"There is probably no responsible court, Federal or State, first instance or appellate, which is not working under great pressure. Litigations arising out of or as a result of the war, the increase of statute law, civil and criminal, national and state, the creation and development of new kinds of industries and businesses, the unceasing complexity of economic problems giving rise to questions of constitutional and commercial law in foreign and domestic commerce have all combined to place a heavy burden on the courts. . . .

"The courts are dealing with great human affairs, questions of welfare and liberty questions which reflect the problems of the commerce on land and sea and the relations of men to each other in every conceivable aspect. * * *

In the history of the world, in the development and administration of governments, the lawyer and the judge have played no small part. They have borne their full share and responsibility in safeguarding life and liberty and promoting the pursuit of happiness. That responsibility is, if anything, greater today than before, when new problems are facing the world in every corner."

These words could very well have been written today. All that need be added are the civil rights laws and the lawsuits they have spawned; the legislation relating to auto safety, truth in lending, consumer protection, improvement of the environment, and a host of other controversial laws.

One more word about the caseload and backlog. On September 6, 1972, Eric Sevareid interviewed Mr. Justice Douglas over C.B.S. I now quote from the transcript of that broadcast:

"SEVAREID. And you've got a great big backlog. All this talk of too big a load—overwork. You're out here weeks ahead before the Court even adjourns.

"DOUGLAS. Well, we got a bigger backlog in the sense of more filings. When I went on the Court we had 1800 cases a year—a term. And now we're having about 4200.

"SEVAREID. That you hear.

"DOUGLAS. No, that are filed and we have to screen them. But of those 4200, most of them come from prisons, and 98 or 99% of them are frivolous. We read them all because they produce classic situations like Gideon and Miranda and so on. We're actually hearing and deciding fewer cases now than we were when I went on the Court.

"SEVAREID. Why is that? Still got nine men.

"DOUGLAS. Still have nine men, but the selective process has changed. The judges have changed, the idea of what is important has changed in the minds of the judges—a highly subjective consideration. Is this case fit to take—should we take it—and so on. And we take fewer and fewer. When I went on the Court we sat six days a week. Under Warren we sat five days a week, a conference on Friday. And now it looks as if our trend will be to three days a week, with a conference on Saturday. The job takes about four days a week."

It has been said that judges keep themselves on the *qui vive* by simple reminders which caution against overspeaking. Perhaps the best remedy is to bear in mind the rule of the carpenter who said, "The best rule for talkin' is the same as for carpenterin': measure twice and then saw once."—By Mr. Justice Louis B. Heller, Supreme Court, Kings County Second Judicial Department.

## CORVAIR STABILITY CONTROVERSY

Mr. RIBICOFF. Mr. President, in September 1970, Mr. Ralph Nader wrote me alleging that at a hearing on March 22, 1966, witnesses representing General Motors misled the Subcommittee on Executive Reorganization concerning the safety of the 1960–63 model Corvair automobile. He urged me to investigate the matter, and I agreed to do so.

Since then, members of my subcommittee staff and personal staff have made an extensive inquiry into Mr. Nader's charge. The investigation was conducted in a fair and impartial manner. When the draft of this report was completed, the staff sought comments on it from Mr. Nader, GM, and the Department of Transportation. GM and DOT accepted the offer, but Mr. Nader declined to read the report. Mr. Nader's reasons for doing so are attached as exhibit 36 to the report. Having reviewed the report, I see no reason to hold further hearings by the subcommittee regarding the stability and handling of the 1960–63 Corvair automobile.

This report is lengthy and will fill several pages in the RECORD. Ordinarily, I would not ask that such a long report be printed, but the Corvair safety controversy has generated widespread public discussion. Television, newspapers, and magazines across the Nation have carried stories concerning the Corvair and this staff investigation. In addition, Mr. Nader's charges, and documents relating to them, have been placed in the RECORD on at least three occasions. (See CONGRESSIONAL RECORD, volume 116, part 24, page 32253; volume 116, part 27, page 36635; and volume 116, part 32, page 42575.) The RECORD should be complete on this matter and all those interested are entitled to know the results of the staff investigation.

The staff report explores many issues relating to the Corvair, but to me its most significant finding is the effect of certain replacement tires on vehicle stability and handling. Until now, traffic safety researchers and the DOT have not recognized the difference in handling performance caused by various tires. Now, their impact has been documented.

Last year, the 36 domestic and foreign tire manufacturers sold 147.5 million replacement tires in a bewildering array of 200 separate models. The possibilities for mixing tire brands on one car are nearly limitless. Yet today, no one knows the effect on vehicle stability and handling of these tires, either in new sets of four, or when mixed with other used makes and models. This situation demands prompt action by the Federal Government and affected business concerns. Accordingly, I am writing Secretary of Transportation Claude S. Brinegar, urging him to call an international conference of automobile and tire manufacturers on the safety of replacement tires.

Mr. President, this is not a theoretical problem. It is a practical matter of great concern to millions of motorists daily. I hope Secretary Brinegar will give it high priority attention.

I had originally planned to insert the staff report in the RECORD at this point. However, Mr. Nader, who, as noted above, previously declined my offer to read the report prior to publication, asked this morning for a delay in introducing the report into the RECORD so that over the weekend he could read it and prepare a response. In an attempt to insure that the public now and in the future have access to all points of view at one place in the same edition of the CONGRESSIONAL RECORD, I agreed to accommodate Mr. Nader's wishes. I will, therefore, insert into the RECORD the staff report together with Mr. Nader's comments Tuesday, March 20, 1973.

I ask unanimous consent that the text of my letter to Secretary Brinegar be printed at this point in the RECORD.

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

MARCH 15, 1973.

The Honorable CLAUDE S. BRINEGAR,
*Secretary, Department of Transportation, Washington, D.C.*

DEAR MR. SECRETARY: For the past two and a half years members of my Subcommittee and personal staff have conducted an extensive investigation into Mr. Ralph Nader's charges that witnesses representing General Motors misled the Subcommittee on Executive Reorganization concerning the safety of the 1960–63 Chevrolet Corvair at a hearing on March 22, 1966. During their inquiry they learned that certain replacement tires can adversely affect vehicle handling to a substantial degree.

This finding raises important issues which the Department of Transportation should seriously consider. Last year 147.5 million replacement tires were sold by 36 domestic and foreign manufacturers who marketed 200 separate models and brands. These tires include bias ply, fiber glass belted and steel radial types. They are used in new sets of four tires and in combination with worn original equipment tires and snow tires. A recent report to DOT by one of its consultants points out that "tires are probably the single most important vehicle component in determining how the vehicle responds in extreme steering and braking maneuvers." Yet no one knows the effects of these tire combinations on vehicle stability and handling.

The recent proposed rule on tire grading and labeling is an important step toward assuring the safety of replacement tires. However, the proposed standards are limited to three performance characteristics, and do not consider the effect of various tire combinations or the relationship between tire and suspension characteristics.

Accordingly, I urge you to call an international conference of motor vehicle and tire manufacturers on the safety performance of replacement tires. The agenda for such a conference should include the following topics:

1. Traction in braking, driving and cornering on dry and wet paved surfaces, gravel, snow, ice, etc.

2. Characteristics which are relevant to vehicle directional control and stability, e.g., cornering stiffness, aligning torque, and camber stiffness.

3. Resistance to road hazard damage and resulting unexpected airout.

4. Resistance to overheating or other damage due to sustained high speed operation.

5. Effect of mixing different types of tires, e.g., radial and bias ply, and regular and snow tires.

6. Relationship of vehicle suspension system and tire performance characteristics.

7. Technical tests and procedures for measuring tire characteristics and performance.

8. Need for an amended notice of proposed rule-making concerning replacement tires.

An international conference on the subject would serve a valuable purpose by calling public attention to an important problem of traffic safety affecting millions of motorists daily. This is a matter of great importance and such a conference should be convened as soon as possible.

I would appreciate your prompt response to this letter.

Sincerely,

ABE RIBICOFF.

## SAFE BLOOD SUPPLY

Mr. HARTKE. Mr. President, last year, together with Senator PERCY, I introduced the National Blood Bank Act (S. 2909) to require registration of all blood banks, to establish standards for blood banks, and to establish a program to encourage the voluntary donation of blood.

The National Blood Bank Act was prompted by the growing incidence of hepatitis which is transferred in tainted blood received from donors in ill health. Studies have shown that far too much of this blood comes from commercial blood bank centers. Many of these centers are operated by reputable people, but a significant number exist in depressed areas of cities and take advantage of local residents in poor health.

Mr. President, recently some of the citizens of Los Angeles initiated a strike against unscrupulous commercial blood banks. I ask unanimous consent that an article describing their cause and a statement issued at their press conference last month be printed in the RECORD at this point.

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

STRIKE PLANNED AGAINST SKID ROW BLOOD BANKS—GROUP CHARGES EXPLOITATION OF DONORS, SEEKS HIGHER PAYMENT, SETTING OF HEALTH GUARDS

(By Doug Shult)

Organizers of a newly formed Blood Donors Union Tuesday announced a pending strike against commercial blood and plasma banks operating on Los Angeles' Skid Row.

The announcement came during a press conference at which organizers issued a strongly worded statement criticizing the blood banks for alleged "wholesale human exploitation."

Among the goals of the strike, scheduled to begin next Tuesday, are increased payments to donors, the establishment of certain health safeguards, and the dispensing of information on legal and health questions to Skid Row donors.

The organizers of the union, believed to be the first of its kind in the nation, are volunteers at the Catholic Worker's Hospitality Kitchen, which gives out free hot meals to the poor.

THEOLOGY STUDENT PARTICIPANT

Ray Correio, a theology student who participated in the press conference at the kitchen, 821 E. 6th St., said the union was formed to "provide for the protection of Skid Row blood and plasma donors from certain existing forms of physiological and economic exploitation."

"For many years these desperate and diseased men have provided a significant portion of the blood and plasma resources used in the United States," Correio said.

Current practices of commercial blood banks on Skid Row "indicate a blatant disre-

gard" for the general health of both the donors and the public, he added.

"By any realistic and objective definition the poor who inhabit Skid Row are not normal healthy individuals. There is a high percentage of alcoholics, they are undernourished, and they do not receive adequate rest or sufficient exercise. Health and sanitary conditions are poor," he said.

Correio was accompanied at the press conference by Jeff Dietrich, coordinator of the Hospitality Kitchen, which dispenses between 250 and 600 free meals a day.

They said they had investigated the commercial blood donor system on Los Angeles' Skid Row for four months.

Singled out for criticism were the lack of adequate controls over the transmission of hepatitis, an infectious liver disease; the "inhumane" treatment of blood donors, and cursory inspections by state and federal regulatory agencies.

MAJOR SOURCE INCOME

A study was cited showing Skid Row residents to be "high risk" transferers of hepatitis and examples were given of men whose major source of income was from frequent donations of blood, for which they are paid $5 a pint.

A spokesman for Abbott Laboratories in Chicago, parent company of Hyland Laboratories, which operates a plasma bank at 335 E. 4th St., issued the following statement:

"Our donor centers are fully staffed by professional people. At the Los Angeles 4th St. center, for example, we have a doctor, registered nurses, medical technologists and laboratory technicians.

"We have careful screening of prospective donors, including appropriate medical tests. Our centers are clean and well-managed, not only because of the high standards that must be met in processing plasma, but equally important because of our concern for the donors."

The statement stressed society's "urgent need for plasma."

Correio said his organization hoped to make the strike work by picketing and leafleting only one blood bank at a time.

He estimated that 9,000 men a month use the Skid Row facilities and said there was an admitted problem in involving them in the strike.

"Down here men sell their blood to live. With their $5 they get a 'flop' (bed), a meal and a couple of packs of cigarets," he said.

Correio said the isolation and cure of hepatitis would benefit both the public and donor alike, and said the strike also would seek to force the banks to give the men nutritive replacements, such as orange juice or vitamins, after donating blood.

Other goals of the strike are the establishment of a permanent record-keeping system to keep donors from making repeated visits, and the donation by the banks of 25 cents per pint to the union, which would use the money to set up a clinic.

Currently the only system used to determine whether a donor is giving blood before waiting an eight-week statutory period is a dye placed on a fingernail and the visibility of needle puncture marks.

Donors reportedly use battery acid to remove the dye, enabling them to beat the system.

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PRESS CONFERENCE

We have called this press conference to announce the formation of the Blood Donors Union whose primary purpose is to provide for the protection of skid row blood and plasma donors from certain existing forms of physiological and economic exploitation. In order to secure more humane treatment and better health protection for blood and plasma donors, the Blood Donors Union will initiate a strike on February 27, 1973, against various commercial blood and plasma facilities in the skid row area.

The decision to begin this strike was made only in the last two weeks after numerous other and less drastic methods were ignored by the commercial blood and plasma facilities.

With the knowledge that very little information has been available concerning the rapidly expanding commercial blood banking and plasma procurement system in the United States, the Blood Donors Union has been conducting a lengthy investigation in order to assess what effects, if any, this system has had and will continue to have upon the health and welfare of millions of people, both donors and recipients alike.

Our continuing investigative efforts seem to lead us deeper and deeper into what appears to be a bottomless pit of death, disease and wholesale human exploitation. The formation of the Blood Donors Union, the upcoming strike, and our presence here today are, we hope, strong indications as to the seriousness with which we regard this problem.

We have chosen to focus our efforts and attention on the plight of the donors on skid row because until this time their fate has been ignored not only by the commercial blood and plasma banks, but also by the general public. Those of us who work here at the Hospitality Kitchen have come to know these men not merely as drunks, drug addicts and indigents, but as fellow human beings who for a variety of reasons seem to have lost their way. For us their health, welfare and ultimate fate are as important as that of any other segment of the population.

For many years these desperate and diseased men have provided a significant portion of the blood and plasma resources used in the United States. Various studies and medical opinion point to the fact that skid row inhabitants do not meet even basic health criteria to function as long term blood and plasma donors. "All authorities agree that donors should enjoy a diet rich in protein and amply nutritious to help the body manufacture plasma proteins quickly, the fluid intake should be above normal; attention should be paid to sleep and exercise; that blood protein and other tests should be carried out frequently, and that poor "skid row" types of donors should not be used."

(Kliman, A. & Lesses, F., "Plasmapheresis as a Form of Blood Donation", *Transfusion*, Vol. 4, 1964, p. 470.

"A New Frontier in Medicine", Fenwal Laboratories Brochure, Morton Grove, Ill., 1968.

Conference on Plasmapheresis, 1966.)

Dr. T. J. Greenwalt, former Director of the Milwaukee Blood Center, subsequently Medical Director, Blood Program, American National Red Cross, states that Plasmapheresis (the plasma donation process) "is exploiting for its proteins a population which is least able to donate them, the poorly nourished skid row population."

"Plasmapheresis is considered relatively harmless to the normal, healthy individual." (Summary Report, NHLI's Blood Resource Studies, June 30, 1972. DHEW Publication No. NIH 76-416.) By any realistic and objective definition the poor who inhabit skid row are not normal healthy individuals. There is a high percentage of alcoholics, they are under-nourished, and they do not receive adequate rest or sufficient exercise. Health and sanitary conditions are poor. Any of you who care to may walk down an alley of your choice and the stench of urine and feces will rise up to greet you.

These unsanitary conditions are compounded by the current practices used by the blood and plasma facilities in the skid row area. These practices indicate a blatant disregard for the health and welfare, not only of the inhabitants of skid row, but also the general public, who in many cases unknowingly receive blood donated by these unfortunate and unhealthy donors.

Men are allowed to donate whole blood and plasma at intervals which can only lead to rapid, and in some cases permanent, physical deterioration. One man who has come to us was allowed to donate a pint of whole blood and two pints of plasma within a four day period. Tests to determine the quality of blood to be donated are often administered in a careless manner, and the criteria for determining donors is very questionable. Donors are required to sign a waiver releasing the blood bank facilities from damage claims that may result from accidents or negligence. Most donors do not realize that this type of waiver, in most cases, are not legally binding. But how many of the blood and plasma donors who have been injured in the blood banks have access to lawyers?

Blood and plasma donors are not provided with even basic information pertaining to the possible dangers involved in long term blood and plasma donation. Informed consent is important, not only for the donation of blood and plasma, but also because many skid row blood and plasma facilities engage in activities that can only be classified as human experimentation.

After a blood or plasma donation fruit juices and nourishment are not provided for the donors. This is especially important considering the dietary restrictions placed on plasma donors for the twenty-four hours preceding the plasmapheresis procedure. Donors are told to eat only bread and jelly, cooked or fresh vegetables and fresh fruits. But most plasma donors are fortunate if they receive a plate of beans the night before. Compensation is kept at a minimum so that donors have a tendency to remain dependent on their donations of blood and plasma for basic sustenance.

Present State and Federal regulation does not provide sufficient protection for the blood or plasma donor. Recent changes in Federal regulations fall far short of what is actually needed to insure adequate health protection. The American National Red Cross Position Statement dated February 22, 1972, states that, "every precaution should be taken to protect both the giver and the receiver of blood." But in reality even minimum precautions are not taken.

An indication of this can be found in the Bureau of Biologics Donor Criteria List. (Exhibit VIII, National Blood Resource Program) It is an important list to keep in mind, not only if one is a blood donor, but especially if one is to receive a blood transfusion.

Perhaps at this point it is time to bring your attention to the list of demands drawn up by the Blood Donors Union. We feel that in the light of the facts which we have presented today these demands are necessary to protect blood and plasma donors and recipients from unnecessary harm, exploitation and risk.

We feel that the general public should also be made aware of the implications involved in their continued use and dependence upon commercial blood and plasma. It is conservatively estimated that 5,000 deaths and 50,000 medical injuries per year can be traced directly to blood and plasma transfusions. The fact that numerous commercial blood and plasma dealers operate primarily in low income and skid row areas increases the chance that high risk donors will frequent these facilities. Professor Garrett Allen of the Stanford University School of Medicine has shown in a series of studies that the risk of serum hepatitis from transfusions derived

from prison and skid row populations is at least ten times that from the use of voluntary donors. This high rate of hepatitis combined with the fact that the Hepatitis Associated Antigen test for the identification of blood that may be a carrier of serum hepatitis is only 20%–30% accurate. (American Association of Blood Banks Testimony before the House Ways and Means Committee, October 28, 1971.)

Dr. Allen estimates that hepatitis costs Americans $87,000,000 a year, based on a study of 25,000 patients hospitalized by hepatitis. Senior Citizens are especially effected by this high incidence of post-transfusion hepatitis. One fifth to one sixth of all the blood resources collected in the United States are used by Medicare patients over the age of sixty-five. The mortality rate for people over the age of 65 who contract post-transfusion hepatitis is 50%.

It is estimated that over 50% of the blood and plasma resources in the United States are derived from commercial private enterprises who rely primarily on paid and professional donors as source material. Collection of plasma by the pharmaceutical Industry appears to be increasing about 10% each year. Coupled with this expansion has been the decline of volunteer donations throughout the country. In New York City, for example, the proportion of paid donors in 1952 were only 15%, in 1966 the percentage had risen to 55%. The percentage of voluntary community donors has fallen to a mere 1%. This trend towards the commercialization of blood and blood products has reached an unacceptable and dangerous level. It has undermined the entire voluntary structure operated by the American National Red Cross, and has eroded many of the altruistic intentions and inclinations formerly practiced by most American citizens with regard to blood donations. "Many recent surveys of the blood banking system have indicated that the system has been unable to provide American consumers with sufficient quantities of high quality, safe human blood and blood products." (Federal Register, Vol. 38, #20, January 31, 1973, p. 2966.)

With these facts in mind, we think that it is time for people to act. We have indicated the crucial relationship or bond that exists between the skid row blood and plasma donor and the hazardous disease factor involved for recipients of a blood or plasma transfusion.

The bodies and blood of poor, diseased and desperate men cannot be used to provide blood for an affluent society. Nor can large pharmaceutical companies continue to use men's bodies as a source for corporate profits at the risk of endangering the health and welfare of millions of men, women and children. These companies must realize that men are not a species of cow to be bled for a valuable and sometimes priceless substance. The Men of Skid Row as unfortunate as they may be are still men and not animals and deserve to be treated as such.

BLOOD DONORS

As blood donors, and more important as human beings, we believe that we should have the following rights:

1. To respectful care and treatment.

2. To be advised if the blood and plasma bank proposes to engage in or perform human experimentation. The donor has the right to refuse to participate in such treatment.

3. To receive from the attending physician all information necessary in order for us to give our informed consent prior to the start of any procedure and/or treatment including the risks involved in such procedure.

4. To obtain an increase in the amount of compensation now being paid to us for our blood and plasma. We suggest a minimum of $15.00 per pint of whole blood, and $9.00 per pint of plasma. We feel that these prices are fair and necessary considering the risk involved.

5. To the immediate abolishment of the cards which we are forced to sign which seek to absolve you (banks) of any liability in the case of injury caused by negligence. We know that they are not legally binding and we strongly feel that you should be held responsible if such negligence occurs.

6. We feel that since you are using our bodies in a way that drains them of valuable proteins, which are very difficult for us to replace, that you should assume some responsibility for our health and welfare. We ask that you provide fruit juices and vitamin supplements to each man who donates either blood or plasma. We also feel that we have a right to receive 25¢ per donor, over and above the fee that is paid for the donation of blood or plasma. This money is to be placed in the Union Health Fund in order to provide a free medical and dental clinic for the skid row area.

7. We recognize that the incidence of hepatitis in and around skid row is great. Therefore, for our protection and also for the protection of the general public, we recommend the introduction of some form of central record keeping by the blood and plasma banks so that men suffering from hepatitis may be located and treated.

## BUDGET EFFECTS ON EDUCATION

Mr. MUSKIE. Mr. President, last Monday it was my pleasure to speak at the College of the Mainland in Texas City, Tex. This is a relatively new community college which has had enormous success. It is strongly supported by members of the community who are justifiably proud of the contribution this college is making in educating young people in the area.

While visiting the campus, college officials gave me a breakdown of the anticipated effect of the Nixon administration's budget for education on the college. Examples such as this show the hardship which many colleges and universities will undergo if the administration's budget proposals are accepted.

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

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

*The anticipated effect of the Nixon Administration's budget (FY 74) on College of the Mainland*

DIVISION OF INSTRUCTION

| | |
|---|---|
| A. Continuing Education and Community Services Title I, HEA '65, as amended by EA '72 | |
| Lost Revenue to COM: | $10,000 |
| 1). Project: Planning Sessions with COM personnel and local government officials | 2,500 |
| 2). Project: On-campus programs of information and services of selected city and county officials | 2,500 |
| 3). Project: Drug awareness program: student, faculty/staff participation | 2,500 |
| 4). Project: Environmental Education Seminars presenting industry and citizen views | 2,500 |
| Total | 10,000 |
| B. Learning Resources | |
| If Title II, HEA '65 as amended by EA '72, is not funded, COM will lose: under IIA, a minimum of $5,000 basic grant, a $2,500 supplemental grant; under IIB the loss is not measurable in dollars: library training programs, seminars, fellowships, etc | 7,500 |
| C. Academic Programs | |
| Though COM has participated only recently in Title VIA (Equipment and Materials for Undergraduate Instruction), our annual loss would be | 10,000 |
| If EPDA is not refunded, COM could lose the maximum award | 75,000 |
| If Title X of EA '72 is not funded, COM would lose in excess of | 100,000 |
| Excess property, per year | 25,000 |
| Total | 210,000 |
| D. Technical-Vocational Programs | |
| Nursing Capitation Grants | 20,000 |
| Title X, EA '72, Part II | 100,000 |
| Excess Property | 25,000 |
| Cooperative Education | 20,000 |
| Machine Tool Loan | 25,000 |
| Total | 190,000 |
| E. General | |
| Cranston Amendment (Veterans) | 30,000 |
| Supplemental BOG | 15,000 |
| Total | 45,000 |
| F. Summary | |
| 1. Continuing Education | 10,000 |
| 2. Learning Resources | 7,500 |
| 3. Academic Programs | 210,000 |
| 4. Tech-Voc Programs | 190,000 |
| 5. General Appropriations | 45,000 |
| Total | 462,500 |

## TRIBUTE TO THE REVEREND DOM LEO VAN WINKLE

Mr. PELL. Mr. President, I would like to take this opportunity of calling to the attention of my colleagues the service of a distinguished educator in my home State of Rhode Island—Rev. Dom Leo van Winkle who has announced his retirement, to be effective this June, as headmaster of the Portsmouth Abbey School in Portsmouth, R.I.

Father van Winkle has greatly contributed to the growth and development of this excellent school during his 16 years of leadership as its headmaster.

Under his enlightened guidance the school has grown in stature both in a physical sense and in intellectual prowess. Annually this school's graduates go forward to our country's leading colleges and universities.

I commend the Portsmouth Abbey School for the quality of education it maintains, and, in particular, I congratulate its headmaster for 16 years for the enhancement of that quality.

I believe that the students, faculty, parents and alumni of the Portsmouth Abbey School join in these sentiments and in this personal tribute to an educator who has given so much of himself to educational advancement in my own State—an advancement which applies in

its influence to our country's educational progress.

## TAX REFORM

Mr. MUSKIE. Mr. President, last Sunday, Mr. John D. Ehrlichman, the President's chief domestic adviser, told a national television audience that the only tax inequities whose reform would generate significant amounts of new revenue were loopholes he identified as the personal exemptions for dependents and the deductions allowed for homeowners' mortgage interest and charitable contributions.

Mr. Ehrlichman was talking nonsense. I can only assume he did so because this administration seeks to preserve the special tax breaks it has enacted or perpetuated on behalf of the rich and of favored corporate interests. That policy of discrimination in favor of the affluent goes hand in hand with the policies of budget cuts aimed at the poor, the disadvantaged, the handicapped, the veterans and the elderly.

Fortunately, two articles in the Washington Post, an editorial yesterday and a column by Hobart Rowen today, do much to set the record straight. The figures cited in those articles on tax subsidies for the privileged and the powerful are parallel to those I discussed in the Senate on January 23 when I offered my tax Reform Act of 1973, a measure that would close or narrow 24 of the largest loopholes in our tax code, generate new revenue of $18.6 billion a year by 1975, and restore fairness to our system of taxation.

I recommend both these articles to the attention of my colleagues and I ask unanimous consent that they be printed in the RECORD at this point.

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

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

### How To Find a Loophole

This morning we wish to help a reader, Mr. John D. Ehrlichman of 1600 Pennsylvania Avenue NW, look for the $15 billion that he mislaid on his way to the Inaugural. That $15 billion is in the form of tax loopholes. Mr. Ehrlichman says that he has no recollection of those loopholes whatever. Some of them are reported to have been dropped into the corporation income tax laws. But Mr. Ehrlichman says that he has looked there, and could not find any loopholes. It is important to locate the loopholes because otherwise there will be no reform of the federal income tax. Mr. Ehrlichman is the President's assistant for domestic affairs, and frequently his spokesman on tax policy. Since he cannot find any loopholes to close, Mr. Ehrlichman concludes that the only way to broaden revenues is to start taxing contributions to the church on the corner, and the Boy Scouts. As Mr. Ehrlichman observes, no reasonable person would want to do that.

A lot of reasonable people can think of very reasonable ways to improve the income tax without going after the churches and the Scouts. Many of these proposals have already been discussed in the Ways and Means Committee's careful and intelligent deliberations over recent weeks. The chairman of that committee, Mr. Wilbur Mills, said this week that he expects to complete a bill within the next several months. But the White House evidently does not care for the attention being given to corporation and estate taxes, and to the tax shelters, in the current congressional discussions. Mr. Ehrlichman is, in fact, leading the White House's campaign to persuade the public that tax reform will necessarily mean impoverishing the charities. He was very explicit last Sunday, when he appeared on the ABC radio and television program, "Issues and Answers":

"Mr. Ehrlichman: . . . You don't raise very much money by making every taxpayer pay some tax. You don't raise very much money by making every corporation pay a tax. Where you really can raise money by closing loopholes is if you don't let the average householder deduct the interest on his mortgage any more, and you don't let him deduct charitable contributions to his church or to the Boy Scouts, or you don't let him take personal exemptions. Now that is where you can really raise a lot of money.

"Mr. Kaplow (of ABC News): Are you saying there can be no significant tax reform? There is no combination of loopholes that can be closed that would bring in a significant amount of additional revenue?

"Mr. Ehrlichman: That is what I am telling you. I think you will see, as the House Ways and Means Committee goes through this process that there is no way to raise the $15 billion, for instance, that the spenders in the Congress want to run over the President's budget, unless you start digging into the average taxpayer's exemptions, or charitable deductions or mortgage credits or something of that kind."

No way? Indeed, there are a great many ways. One that comes immediately to mind, as a beginning, is to revoke the Accelerated Depreciation Range, a large tax cut for businesses that was put into effect in 1971. Next year it will cost the Treasury $2.7 billion. The business investment credit, enacted at the same time, was worth $1.8 billion in 1971, the last time the Treasury published a precise figure. The Domestic International Sales Corporation (DISC) dodge, also passed in 1971, is the kind of concealed export subsidy about which this country very properly protests in other nations' tax laws. It is currently costing the country about $170 million a year. That is a modest sum, compared with accelerated depreciation and the investment credit, but it is more than the administration intends to spend next year on urban renewal.

Mr. Ehrlichman is right in suggesting that substantial benefits go to the middle-income householder. In 1971, the Treasury estimated, the deductions for mortgage interest and property taxes cost the federal Treasury just over $5 billion. But taxing capital gains under the present law, rather than treating them as ordinary income, cost the Treasury $5.6 billion that same year. Mr. Ehrlichman forgot to mention that one. True, the former Secretary of the Treasury, Mr. John Connally, once predicted that any attempt to tax capital gains as ordinary income would immediately result in the collapse of the capitalist system and the triumph of the forces of darkness and chaos. But there are other experts who consider the capitalist system strong and confident enough to support an ideal of fairness that taxes all income at the same rate regardless of source.

Estate taxation is a tangle of anomalies, and certainly deserves a place on Mr. Ehrlichman's list. When a wealthy man dies, his fortune escapes the capital gains tax altogether. It is subject to an estate tax, but it is never touched by the income tax. Gerard M. Brannon, research director for Tax Analysts and Advocates, a research professor at Georgetown University, recently estimated that the failure to collect capital gains taxes on estates costs the Treasury perhaps $3 billion a year.

Whether these specific tax benefits, or any acceptable combination of them, add up to Mr. Ehrlichman's figure of $15 billion is irrelevant. The first purpose of tax reform is not to raise a specific sum of money. The first purpose is to make the tax system more fair, and to increase the taxpayer's confidence that he is being treated equitably. That confidence has undergone a serious erosion in recent years because of provisions like some of those mentioned above. Congress is, altogether correctly, moving to meet this criticism. The challenge to the equity of the present income tax system are substantial and well-founded. Mr. Ehrlichman brings no credit to the administration by his absurd pretense that they do not exist.

[From the Washington Post, Mar. 15, 1973]

### Loopholes and Little Guys

(By Hobart Rowen)

On ABC's "Issues and Answers" last Sunday, presidential aide John D. Ehrlichman said that "there is a lot of misinformation around in this business of tax loopholes," and then he did his best to spread some more of it around.

The basic point that Ehrlichman was trying to make is that it's not possible to raise a great deal of money by tax reforms, "unless you start digging into the average taxpayer's exemptions, or charitable deductions, or mortgage credits, or something of that kind."

That, as Mr. Ehrlichman must know, is simply not true. He was just trying the usual scare tactics that have been this administration's old reliable weapon against tax reform.

What is true is that the exemptions or loopholes he mentions account for a considerable part of the erosion of the tax base. But there is plenty more that he didn't choose to mention.

Could it be that Ehrlichman failed to point to other loopholes because the chief beneficiaries are businesses and the most affluent taxpayers?

For example, the exhaustive analysis of erosion of the individual income tax base by Brookings Institution economists Joseph A. Pechman and Benjamin A. Okner in January 1972, for the Joint Economic Committee of Congress shows that under a comprehensive tax system, the Treasury would pick up $55.7 billion in revenue it now loses to the leaky tax structure.

Of this total, $13.7 billion would come from taxing all capital gains, and gains transferred by gift or bequest: $2.4 billion from "preference income" such as tax exempt interest, exclusion of dividends, and oil depletion; $2.7 billion from life insurance interest; $9.6 billion from owner's preferences; $13 billion from transfer payments (welfare, unemployment compensation, etc.); $7.1 billion for the percentage standard deduction; $2.9 billion for deductions to the aged and blind; and $4.2 billion for other itemized deductions.

On the corporate side, Ehrlichman made no mention of the $2.5 billion in reduced tax burden that business will get this year through accelerated depreciation schedules (ADR); and another $3.9 billion via the investment credit. From 1971 through 1980 ADR will be worth $30.4 billion and the tax credit $45.2 billion (all U.S. Treasury calculatins). And in that span of time, there will also be some $3 billion in give-aways through DISC—a tax shelter for export sales profits just created by the revenue act of 1971.

Another tax reform target Ehrlichman appears unable to see is income-splitting,

which Pechman and Okner estimate causes a revenue loss of at least $21.6 billion annually, almost half of which is a benefit to a relative handful of taxpayers in the $25,000–$100,000 income bracket.

But there's more to it than that. Ehrlichman pretends to be concerned about that "average householder" who would be hit if he couldn't take his mortgage interest as a deduction. But of the $9.6 billion that Pechman-Okner show lost to homeowners' preferences, defined as deductions for mortgage interest and real estate taxes, $5.3 billion goes to the tiny 5 per cent of taxpayers with reportable adjusted gross income of $20,000 or more.

And how about Ehrlichman's warning that Uncle Sam can't raise tax-reform money in significant amounts "if you don't let the average householder . . . deduct charitable contributions to his church or to the Boy Scouts . . ."? Is he really worried about the little guy?

The Tax Reform Research Group (one of Ralph Nader's operations) showed last year that when you divide the number of taxpayers in each income group into the total tax preference benefits of charitable deductions, other than education, you find this:

Among taxpayers in the $7,000 to $10,000 income bracket, the average tax benefit for charitable contributions was $17.44; for those in the $10,000 to $15,000 bracket, $33.11; for those in the $20,000 to $50,000 bracket, $199.09; for those in the $50,000 to $100,000 bracket, $1,211.16; and for those making $100,000 and over, a whopping $11,373.56.

So who is Ehrlichman trying to kid? If the administration doesn't have a decent tax reform program, it's not because it could wring the money only out of the little guy, nor because there aren't outrageous loopholes waiting to be plugged. It's just because Mr. Nixon must believe that his constituency likes the inequitable tax system pretty much the way it is.

## ADDRESS BY QUINN TAMM, EXECUTIVE DIRECTOR, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

Mr. BAYH. Mr. President, we know all too well the tragic toll that violent crime takes every year in this country. One of the organizations most actively involved in the struggle to reduce crime is the International Association of Chiefs of Police, representing over 9,000 police officials across the Nation. Mr. Quinn Tamm, their executive director, recently addressed the Landon School in Bethesda, Md., on this important issue. For the benefit of my colleagues, I ask unanimous consent to insert his speech at this point in the RECORD.

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

GUN CONTROL: ISSUES AND ANSWERS

I was very pleased to receive and anxious to accept Mr. Dixon's invitation to be with you today for some very important reasons.

First, I firmly believe that the answer to many of America's contemporary problems lies in the ability of its young citizens.

The vast majority of Americans is under thirty years of age, and youth's ability to take an active leadership role in the affairs of government has been just recently recognized and encouraged in the extension of voting privileges to eighteen year olds.

That particular constitutional amendment has been sorely needed and has taken a long time to break through the opposition of badly misguided intentions and unwarranted apprehension on the part of the general public.

Secondly, I think that one of the most serious problems of our time can best be solved by our Nation's young people because it affects them so intimately.

I am speaking of the unrestrained violence of our society and the need for effective nation-wide gun control measures.

Again, the opposition is permeated with badly misguided intentions and unwarranted apprehension.

I would like to begin by drawing an analogy between the exploding incidents of violence and the availability of the instruments necessary to carry them out.

The gun control opponents would like us to believe that no correlation exists between them.

Yet, in the light of some very startling facts, their arguments pale by comparison.

It is a fact that the United States, with two hundred million people, averages fifty times as many gun murders each year as England, Germany and Japan combined, with their total population of two hundred fourteen million.

It is a fact that all ten assassinations and assassination attempts on American presidents or presidential candidates involved firearms.

And, with the exception of President Kennedy, they all involved handguns.

It is a fact that since the turn of the century more than eight hundred thousand Americans have been killed in this country by firearms—far more than have died at the hands of all our enemies in all our wars.

Last year alone, over half of the fourteen thousand murders committed in the United States involved handguns.

It is a fact that handguns account for three-quarters of all firearms homicides and casualties, although they comprise only one-quarter of all the guns in the nation.

Actually, no one knows how many guns there are in the United States.

There is no national clearinghouse for records of that type—which, incidentally, gives us another insight into the laxity of present gun controls.

However, the best figures we have available show us there are thirty-five million rifles, thirty-one million shotguns and twenty-five million handguns—or nearly one firearm for every two men, woman and children.

In the last decade, handgun sales alone have quadrupled.

Guns are imported into this country at the rate of one million per year.

Most of them are cheap, snub-nosed handguns designed for one purpose and one purpose only—a quick and lethal belly shot!

They have even earned the nickname of "belly gun" or "Saturday night special."

I have titled these comments "issues and answers."

Let's focus on some of the current arguments that are being raised in opposition to recommended methods of controlling violence whenever it involves guns.

The problem of implementing effective disarmament measures to control violence stems from the fact that persons of differing opinions can look at the same basic facts and come to entirely contrary conclusions.

For instance, one issue that seems to surface over and over again each time federal regulations are proposed is the one pertaining to the constitutional "right to bear arms" under the second amendment.

Here, there is only one possible answer.

Repeatedly, the United States Supreme Court and lower courts have interpreted the second amendment as a prohibition against federal interference with the state militia—and not as a guarantee of an individual's right to bear arms.

In fact, the common law right to possess firearms was never regarded as an absolute privilege.

It was always subject to laws regulating that right in the same way that rights have always been regulated.

It has been said that your right to swing your fist stops where the other fellow's nose begins.

And, that is exactly why we need Federal regulations in this area.

The individual's right to bear arms infringes upon the public's right to life and liberty.

Taken to the extreme, the gun lobbyist could just as easily argue that Government has no right to infringe upon the private ownership of sawed-off shotguns, machine guns, rockets, grenades, cannons or any other weapon of war.

Aren't these arms?

Another important issue seems to be that no study has ever shown a causal relationship between guns and crime.

We are told that even States having strict gun control laws—such as New York with its Sullivan law—have even higher crime rates than some States without controls.

I can't think of any statement that is more simplistic or evasive.

First of all, no one has ever argued that guns, in and of themselves, cause crime any more than any other inanimate object could cause crime.

The overwhelming fact is, however, that guns facilitate crime by their very presence.

Firearms are the primary instrument of death and injury in American crime.

Two out of every three homicides are committed with guns.

Since 1963, the number of homicides involving firearms has increased forty-eight per cent, while the number of homicides committed with other weapons has risen only ten per cent.

Two of every three armed robberies are committed with a gun, and the fatality rate for victims of firearms robberies is almost four times as great as for victims of other armed robberies.

That means that even if the number of violent attacks did not go down, the number of fatalities resulting from violent attacks would be substantially reduced if the attackers did not have guns.

Considering police deaths alone, a firearm was used in ninety-seven per cent of the police killings last year.

There were one hundred twelve police officers killed by criminal assaults that year.

In the year before, there were one hundred twenty-five—the highest toll in our nation's history.

Policemen are armed.

They are trained in the skills of self-defense.

They are alert for trouble and the possibility of attack.

If you were out to kill a cop, which weapon would you use?

The handgun is the favorite criminal weapon for the most obvious of reasons.

It is light weight, cheap, easily concealed, fairly accurate and almost always deadly.

Because of their absolute nature, handguns are also the predominant weapon used in suicides.

And, I defy anyone to prove that suicides would be just as common if there were no guns around.

Another position that is always forwarded in defense of free access to firearms is that of home-protection.

Studies in Los Angeles and Detroit indicate that only about two per cent of home robberies and one per cent of home bur-

glaries result in the firearms death or injury of the intruder at the hands of the householder.

Examination shows that in the great majority of the cases, the householder had no warning and thus no chance to arm himself with a gun.

Moreover, in considering the value of firearms for self-defense in the home, one must also take into account the risks associated with home possession of a gun.

A substantial number of the twenty-three thousand annual firearms accidents occur in the home.

Of the eight thousand annual firearms homicides, a large percentage occur in the home.

Also, the killing of a householder by intruding robbers and burglars account for no more than two per cent of all criminal homicides.

Such creatures rely on stealth and would no more want to be discovered by a householder than he would want to be discovered by a policeman.

From the standpoint of the individual householder, the self-defense firearm seems to be a dangerous investment.

The evidence is convincing, however, that the armed segment of our population is paying a heavy price in accidents and in the shooting of family members, friends and acquaintances for whatever deterrent effect their possession of self-defense firearms may be providing.

Less dangerous deterrents are available in the form of non-lethal weapons, alarms, and other security devices and systems.

I personally believe the case for nationwide firearms regulations has been well established.

We have patiently waited through no less than six separate studies to determine that fact.

In 1965, the commission on law enforcement and the administration of justice studied the problem.

In 1966, the commission on the reform of federal criminal laws studied the problem.

In 1967, the commission on civil disorders studied the problem.

In 1968, the commission on causes and prevention of violence studied the problem.

In 1970, the commission on campus unrest studied the problem.

And, in 1971, the commission on criminal justice standards and goals did the same thing.

You would think that after all that studying, someone could come to the obvious conclusion.

One thing they did agree on was that contemporary America is a violent society.

From all their work, we got two pieces of legislation—the Omnibus Crime Control and Safe Streets Act of 1968 and the Organized Crime Control Act of 1970.

Neither one of them put a dent in the rising crime rate or the private ownership of firearms.

Don't misunderstand.

I'm not advocating regulations on long guns, shotguns or finely engineered handguns that have a legitimate sporting purpose.

These guns are very rarely used in crimes except when they're stolen.

The vast majority of gun owners does not misuse firearms.

Millions of Americans are hunters, target shooters and collectors who use their guns safely and responsibly and who, perhaps as much as many of their fellow citizens, deplore the criminal use of firearms..

I realize how keenly competitive gun owners feel about the national skeet and trapshooting matches and the firearms events of the Olympic Games.

The guns I have been speaking about have been declared by the national shooting sports fraternity to have no sporting purpose whatsoever.

In fact, public opinion polls have shown that the majority of U.S. citizens wants stronger gun controls.

A responsible gun owner should be no more inconvenienced by registering his firearm than he is by registering his car.

I would, however, advocate a flat ban on the manufacture and importation of the cheap, short-barreled belly gun.

Firearms, especially handguns, must be regulated in some way if violence in America is ever to be controlled.

Whatever the opposition may be, we as concerned Americans must be willing to take any steps necessary to halt the slaughter of fifteen thousand citizens every year, the wounding of eighty thousand others and the gunpoint robbery of two hundred twenty thousand more.

When one considers that an American citizen is killed or wounded every two minutes, it becomes painfully clear that some form of nationwide regulation is absolutely essential.

While more people are killed by firearms each year in the United States than in all of Europe—with four times our population—I, for one, strongly recommend massive effective Federal legislation to halt this flood of handguns into our society.

I realize the dangers of using statistics.

They are often misleading.

And, in their impersonal way, they tend to be meaningless when taken out of context with the very personal tragedies that are being described.

Their meaning is more apparent when you can put names to them—names like Lincoln, Garfield, McKinley, Kennedy, King, Wallace and Stennis.

I wonder—in the days and weeks to come—how many young doctors, lawyers, engineers, scientists and artists we will lose to the impersonal majesty of the gun.

I wonder how many of you may not be able to vote in the next election.

Thank you for listening.

## FOOD PRICES MUST BE BROUGHT UNDER CONTROL

Mr. PELL. Mr. President, in the family budget of the average American, there is no single item more important than food. In recent months, sharp increases in food prices, particularly meat prices, have forced American families to pinch pennies in their food budgets.

This is bad enough, but economists tell us that worse is yet to come. When recent upward surges in food prices at the wholesale level work their way through to the supermarket, the family grocery bill will be hit hard.

These price increases, as they take place, affect the living standards of every American family. And hit the hardest, as always, will be those families with low incomes and fixed incomes—the elderly, and the poor.

Mr. President, the Congress has given the executive branch the broadest authority to set our economy straight—to control inflation without creating unemployment.

And the President has used that authority with vigor and effectiveness, during phase I and phase II of the economic program, in holding down wage increases and in reducing substantially price increases on most manufactured goods and services.

Unfortunately, the President has not acted with equal vigor and effectiveness to restrain food and agricultural commodity prices.

I think it is vital that the President now move promptly and vigorously to halt runaway increases in agricultural and food prices.

Prompt action is required for two reasons:

First, action should be taken out of a sense of fairness to millions of Americans who are going to be hurt and hurt badly by high food prices.

Second, and equally important, failure to bring food prices under control could imperil the success of the entire economic stabilization program. It is unreasonable to expect the workingmen and women of this country to settle for reasonable, noninflationary increases in wages while week after week they watch their family grocery bills mount higher and higher. The phase III program established by the President depends heavily on voluntary restraint—by business, labor, and consumers. That voluntary spirit could evaporate quickly under the heat of rising, uncontrolled food prices.

Accordingly, I urge the President to place food prices under effective controls as soon as possible. I urge him further to consider, as a temporary measure, a freeze on prices of presently uncontrolled foods, especially meat products.

I recognize that the causes of the current upsurge in food prices are complex, involving the coincidence of a number of unusual factors. And I recognize fully that controls offer no long-term solution.

But, as one sage economist has commented on long-term projections—in the long run we are all dead. And I fear that unless effective short-run action is taken, in the long run the entire effort to stabilize the economy might die from failure to cope with food prices.

It is now estimated that food prices, generally, may well increase by more than 6 percent during this year. That average, of course, would include substantially larger increases in some foods such as meat. The best hope that is offered is that food prices might level out by the end of the year.

How, during a time when general economic controls have been in effect, did we arrive at this situation?

There is no question that simple increased demand by more prosperous Americans has played a part in increased food prices. But this cause was severely aggravated by severe grain crop failures, primarily in the Soviet Union, but also in other countries. For the first time in modern agricultural history, the total world production of feed grains dropped instead of increased. The situation was further aggravated, in the United States, by the Department of Agriculture's gross mismanagement of agricultural policy in the face of this development.

For at least 2 months after the world shortage of wheat became apparent, the U.S. Government continued to subsidize exports of U.S. wheat, ignoring the fact that what had been a buyer's market was now a seller's market. And the Agriculture Department, despite the escalating

price of wheat, proceeded to divert 37 million acres of wheat land to other products for 1973.

As Congressman REUSS so appropriately noted, after the catastrophic wheat crop failure in Russia, the Soviets fired their agriculture minister, while in the United States, in the face of agricultural mismanagement, the Secretary of Agriculture was promoted to counsellor to the President for natural resources.

Belatedly, the administration has taken actions that might help to increase the production of agricultural products, including sale of government-owned grain stocks, a belated increase in feed grain acreage allotments, the elimination of quotas on meat imports for this year, and an increase in grazing acreage for livestock producers.

But these actions will not have any appreciable impact on food prices for many months. That is why it is important that the administration move quickly to bring spiraling food prices under control.

And if the administration does not act promptly, I believe the Congress should take specific action on its own, to eliminate agricultural subsidy programs that tend to reduce production or increase consumer prices; and to order a temporary freeze of uncontrolled agricultural prices.

## SHRIVER AND BIEMILLER ON THE NEW FEDERALISM

Mr. MUSKIE. Mr. President, this morning the Subcommittee on Intergovernmental Relations concluded 7 days of Washington testimony on the impact of the new federalism on State and local governments by hearing from two distinguished Americans—Andrew J. Biemiller, director of legislation for the AFL–CIO, and R. Sargent Shriver, former Director of the Peace Corps and the Office of Economic Opportunity.

Because of the relevance and importance of their excellent statements, I ask unanimous consent that the statements of both Mr. Biemiller and Mr. Shriver, as well as my opening statement, be included in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows.

OPENING STATEMENT OF SENATOR EDMUND S. MUSKIE

Today we conclude seven days of testimony in Washington on the impact the Administration's 1974 budget and its broad New Federalism proposals could have on the way America is governed. The testimony we have heard so far points to the inescapable conclusion that these programs—to the extent that Administration witnesses have even been able to define them—promote confusion, not order; retrenchment, not reform; social stagnation, not advance.

And, contrary to the President's rhetoric, his policies would in fact force increases in local sales and property taxes for millions of Americans.

On top of that evidence, we now have proof that the Administration is reneging on the income tax reforms the President promised the Nation last June 22. His top domestic adviser, John Ehrlichman, has stated that the only tax changes that could generate significant new revenues are those which are unacceptable to all of us—eliminating exemptions for dependents and deductions for homeowners' mortgage interest and for contributions to churches and the Boy Scouts.

Either Mr. Ehrlichman is ignorant of the truth or he prefers to conceal it. Maybe he really does want to end personal exemptions and deductions for homeowners' mortgage interest and for contributions to charity. But I think those ideas are preposterous, and the fact that he even suggested them shows how blind this Administration is to the interests of working Americans.

Since Mr. Ehrlichman apparently does not believe that we can or should restore fairness to our tax system, I would suggest he read the Congressional Record for January 23 at page 1848, where I discussed the Tax Reform Act of 1973, my proposals to attack 24 of the worst inequities in the tax code, advantages that primarily benefit wealthy individuals and powerful corporations. The reforms I proposed then would bring in $18.6 billion a year by 1975 by eliminating or narrowing the tax inequities this Administration prefers to perpetuate.

They would raise $2.1 billion in reforms of capital gains taxation. They would generate $2.4 billion from new treatment of capital gains at death and $1.1 billion from reduction of the percentage depletion allowance. Repeal of the Asset Depreciation Range System would add $4.2 billion, and $1.3 billion would come from reform of taxes on foreign investments.

None of these reforms would hurt middle-income taxpayers. All of them would affect high-bracket individuals and corporations. Those are the facts, and Mr. Ehrlichman cannot wish them away.

This Administration must be made to see the reality the rest of us cannot escape. For special Americans, there are tax privileges. For ordinary Americans, there are only tax burdens, and this administration now offers them no relief, only added distress—new taxes raised at the local level to cover obligations the Federal Government will no longer honor.

The Administration is deceptive when it complains about budget deficits and then sidelines the constructive alternative of tax reform. The Administration is deceptive when it promises to relieve high property taxes—as the President did in his 1972 State of the Union Message—and then acts in a way that forces State and local governments either to increase property taxes or abandon needed social services.

The record of these hearings will show the dangers we face unless the Administration modifies its proposals, redeems its campaign pledges and begins to tell America the truth.

STATEMENT OF ANDREW J. BIEMILLER

Mr. Chairman, the AFL-CIO is deeply concerned by the Administration's callous abandonment of social programs that is inherent in its budget for the 1974 fiscal year.

The budget presented to Congress and the nation on January 29, 1973 is not based on an analysis of the nation's needs and the federal government's responsibilities in meeting these needs; it is an attempt to conform to preordained targets of receipts and expenditures. It represents a program which will eliminate much that is good and necessary along with some waste.

Dismantling vital social programs, such as those which create jobs, promote educational opportunity and provide housing, is not the way to improve the quality of life in America and expand employment.

Measures such as general and special revenue sharing, which send federally-collected tax dollars to the 50 states and tens of thousands of local government units in the hope that they will be used in the national interest, are a facade for replacing programs and underfunding public improvements. They represent an abdication of responsibility, not a means to promote efficiency in government.

Increasing efficiency and eliminating waste are laudable and appropriate goals. The nation's taxpayers are entitled to their money's worth. We know—and the Congress knows—that simply throwing money at problems will not make them disappear.

But we also don't buy the Administration's simplistic notion that the problems of taxpayer discontent and federal financial strain should be solved by: putting a halt to the enactment of new and necessary programs; under-funding those programs already on the books; refusing to spend funds already appropriated by the Congress for essential public investments in housing, education, environment, health, manpower training and job creation.

Mr. Chairman, the only way that America is going to solve both the government's revenue problems and the country's pressing social needs is to directly face both issues. Early enactment of a substantive tax reform program could add revenues sufficient to completely wipe out the anticipated deficit, add billions to the funds available to meet national priority needs, provide the underpinning for a healthy and balanced economic expansion, as well as preclude either an across-the-board tax increase or the slashing of vital social programs.

The so-called New Federalism is really nothing new. It is the thinly-disguised "old futilism" of the states righters with their rallying cry of "let the states do it." And that slogan means the same today as it meant 15 years ago: passing the buck to avoid federal responsibility for national problems.

We would not be here today—and, indeed, there would not be this controversy—if the states had "done it" or if the states could "do it." But they haven't, and they can't.

The broad problems of education, housing, environment, health, safety and manpower are really national in scope—too big for any state or local governmental unit to handle alone. Certainly, some states and some cities have tried their best, but they could not do what their neighbors would not do.

At this stage, when the country has identified the problems, begun to attack them and, indeed, made some progress, it makes no sense to turn the clock back.

America faces vast unmet public needs—from sewer, water and waste treatment systems to jobs, housing, urban mass transit, education, health-care, public safety, roads and recreation facilities.

Fulfillment of these needs requires the cooperation of all citizens and institutions. However, the nation's major domestic problems are still rooted in the shortages of services and facilities that are traditionally and appropriately the responsibility of government. Though much that is needed can and should be administered and financed at the state and local government level, it is the federal government—which represents all of the American people—that holds the key.

The most pressing domestic issues—such as unemployment, housing, crime pollution and health-care—are nationwide in scope and impact. They do not adhere to the lines drawn to bound America's 50 states and 80,000 local government units. They require national leadership, federal programs and federal financial support.

A federal effort to create jobs and the public investments needed to modernize and strengthen the underpinnings of American society began in the 1930s, only to be brought to a virtual standstill by the shortages of money, manpower and materials during

World War II. Following the end of the war and through the 1950s, only slow progress was made, at a time when the population was growing rapidly and vast numbers of people were migrating from rural to urban areas and from the cities to the suburbs.

In the 1960s, the long-delayed federal response came through enactment of numerous programs, which provide funds for state and local governments to use in meeting specific national priority needs, under federal performance standards. These programs created needed jobs and began to reduce the shortages in many public facilities and services.

Federal grants-in-aid for such programs as elementary and secondary school education, urban renewal, health-care and housing underwent a more than fourfold increase in the past decade—rising from $10.1 billion in 1964 to an estimated $45 billion in fiscal year 1973, an average annual increase of 18%.

This long overdue and badly needed expansion in national programs and federal funds aroused unrealistic expectations of quick and easy solutions to problems that had been amassing for decades. In the late 1960s and early 1970s, high interest rates, inflation, recession and lack of full-funding hampered the ability of state and local governments to finance their share of public investment—further increasing the gap between expectations and what could realistically be achieved.

In the last four years, Presidential vetoes have attempted to prevent enactment of new and essential programs. Many programs already on the books have been shortchanged.

In addition, the Administration has impounded $14.7 billion that Congress appropriated for such vital programs as housing for low- and middle-income families, communities facilities, water and sewer projects, highway construction and the Appalachian Regional Commission.

Now, according to the policy set forth in the federal budget for fiscal year 1974 the growth in federal aid to the states and localities for such vital programs will come to a halt.

For the year ending June 30, 1973, the Administration proposes to reduce or terminate programs in the amount of $6.5 billion—for fiscal year 1974, the total will be $17 billion. The budget plan is for program terminations and reductions, which over the next five years, would result in a cumulative total of over $100 billion.

If the Congress were to be so short-sighted to adopt these proposals, many vital job-creating, public investment programs would be totally dismantled and others hamstrung. Many would simply disappear through general and so-called "special" revenue sharing consolidations which obscure the national purpose, limit the power of Congress to monitor or control the programs and make federal performance standards, civil rights guarantees and labor standards difficult to enforce.

Among the numerous proposals to underfund, cut back or terminate federal programs are the following:

COMMUNITY DEVELOPMENT AND HOUSING

The proposed budget slashes in this vital area are the deepest. In effect, they would represent an end to a direct federal government role in revitalizing the nation's cities and increasing the availability of housing for low- and moderate-income Americans.

Seven programs geared to providing direct aid to the cities to improve the quality of urban living are to be completely eliminated. Major casualties in this list include urban renewal and the model cities program. In addition, programs to provide low-income families an opportunity to attain decent rental housing or to own their own homes will be terminated.

These cuts will also result in substantial job losses—in on-site construction, as well as in the production and distribution of steel, lumber, glass, cement and other building materials.

But, Mr. Chairman, what disturbs us most about these cuts is the atmosphere in which they were undertaken. Anyone who seriously believes that the hour of crisis for America's urban areas has passed is living in a dream world. The rot of the cities is spreading into suburban areas, and saying things are all right doesn't make them any better.

There has been waste, inefficiency and corruption in the government and in the Department of Housing and Urban Development during the past four years. But the Administration would deal with this problem by penalizing the victims of this waste and inefficiency; by penalizing those who look to the government as the landlord of last resort.

By penalizing the victims—those who need public housing and those communities that need low- and middle-income housing to replace ghetto slums—is the classic case of forcing the victim to pay the cost of the crime.

In effect, the Administration is saying to the governors and the mayors: "You're not going to lose by special revenue sharing. You'll get as much as you're getting now and you will be able to do what you want with the money."

The fact is, Mr. Chairman, the states and cities probably are not going to get as much. But, most important, we object to the motion that state and local governments will be able to spend it any way they want.

Quite properly, in our mind, the Congress sets the standards by which state and local governments can spend federal money. It is right and proper that the Congress should eliminate the local options to take care of the rich and forget the poor; to take care of whites and not blacks; to make things easier for those who build housing and not those who live in it.

Mr. Chairman, waste, inefficiency and corruption should be eliminated. But we fail to see how the abandonment of proper federal standards for use of federal funds contributes one iota to achieving that goal.

EDUCATION

Behind its vaguely-formulated program of special revenue sharing, the Administration is proposing the severe under-funding or elimination of programs which serve to improve the quality of education in America and to eliminate the great differences that exist in educational opportunity.

The prime target is the elimination of some 30 federal programs that provide aid to school districts for elementary and secondary education. Federal aid to school districts unduly burdened by federal government installations would also be abandoned.

Laws such as the Elementary and Secondary Education Act, the Vocational Education Act, Federal Impact aid, the Higher Education Act and the Library Services and Construction Act constitute some of the most important legislative achievements of the 1960s and they deserve a permanent place among the nation's laws. In most cases, these programs of categorical aid were enacted by Congress and to meet critical needs which had been largely ignored by state and local officials. By proposing to lump the categorical aid programs into a single blank check, the Administration would invite state and local officials to return to past practices of allocating funds on the basis of political power and whim rather than demonstrable need.

Title I of the Elementary and Secondary Education Act provides desperately needed compensatory funds for economically disadvantaged children. The Administration would abandon that effort.

Title III provides funds needed to develop innovative teaching materials and methods of learning. The Administration would drop this valuable program. The Vocational Education Act provides a workable mechanism for providing young people with the skills realistically needed in modern society. The Administration proposes to repeal the Act outright.

Undoubtedly many of these programs can and should be improved, but improvement is quite different from dismantlement. The problem, in many instances, has been that money was misspent by local officials who used it contrary to the intent of Congress. By loosening the controls, the Administration would aggravate the problem rather than contribute to its solution.

The AFL–CIO gave vigorous support to these laws when they were being considered by the Congress. Today we reaffirm that support. We will not abandon them.

Organized labor has consistently pressed for more federal funding for the schools. That is why we reject completely any Administration proposal for special educational revenue sharing. Such proposals would provide no additional funds for the schools, but would only divert funds from existing programs which Congress carefully designed to meet demonstrated needs. And, in the process, the Administration would repeal many of the most progressive laws enacted in the Twentieth Century.

The AFL–CIO therefore supports the five-year extension of the Elementary and Secondary Education Act and full funding at Congressionally authorized levels of the Act and of other federal educational programs. We will not abandon the educational programs we fought so long to achieve.

MANPOWER

The Public Service Employment Program (PEP), established by the landmark Emergency Employment Act of 1971, would be scrapped. This program represents, in effect, the only significant direct job-creation effort by the federal government. In its short two-year life span, about 150,000 jobs were created in 17,500 state and local government agencies.

The Administration, according to the budget, would decentralize the Job Corps program and severely cut back its funds. These funds are used to provide education, training and counselling for out-of-school youths who cannot find jobs.

Under the new concept of so-called special revenue sharing, the entire federal manpower training effort will be seriously endangered. At stake are several programs which help workers upgrade their skills and focus on the specific job-needs of minority-group youths and the elderly.

The federal government's role in planning and operating on-the-job and classroom training programs, funded under the Manpower Development and Training Act, would, in effect, be ended by the special revenue sharing proposal. The Neighborhood Youth Corps, which helps open opportunities for part-time jobs so that low-income youths can complete their education, would no longer be a federal responsibility.

The only increase in the manpower budget, of any consequence, is for the Work Incentive Program (WIN), which attempts direct job placement of welfare recipients. Since protective standards in this program are weak, welfare recipients can be placed in marginal, substandard jobs.

The Administration would also abolish the Economic Development Administration—the national economic development program, which has created jobs and public improvements in many areas that suffer from persistently high unemployment and lagging economic growth. The development program for the economically blighted Appalachian region would be cut back.

The Office of Economic Opportunity would also be abolished. The OEO and its Community Action agencies created jobs and provided a mechanism for many of the na-

tion's poor to enter the economic mainstream.

HEALTH

The budget for fiscal year 1974 would eliminate 10 of the nation's 60 health programs. The Hill-Burton hospital and health facilities construction program would be terminated, on the false premise that the nation has more hospital beds than are needed.

Ignored is the fact that a surplus of beds in one community cannot help those in need of hospital care in another community. Moreover, in recent years Hill-Burton funds have been used primarily to modernize obsolete hospitals and to build out-patient public health centers and nursing homes. Since 1947, when the program started, 470,000 hospital beds have been provided. In the past five years, 91 percent of the funds have been used for modernization, only 9 percent for new facilities. The need for some new facilities is clear; the need for modernization is overwhelming.

The regional medical program, which coordinates efforts to treat diseases such as heart and cancer, would be eliminated and maternal and child health and family planning programs would be phased out.

A prime example of the false economy reflected in this budget is the proposed changes in Medicare. The Administration says Medicare recipients should be more "cost conscious" and that requiring them to pay more of their medical bills will reduce incidence of unnecessary hospitalization and treatment.

As we have pointed out in the past to other committees, this approach is unsound. Rather than seek treatment at an early stage when it is less costly, high deductibles encourage people to wait until illnesses become more severe and more costly to treat. Anyway, it is the doctor, not the patient, who determines if a person is to be hospitalized and for how long.

Increased social security payments, which the last Congress fought so hard to obtain, would be wiped out for those who need hospital care if these proposed Medicare changes are enacted.

ENVIRONMENT

Some of the widest gaps between Congressional intent and what the Administration plans to spend are to be found in programs enacted by the Congress to protect America's environment.

For example, approximately $10.1 billion to be allotted to the states for the construction of waste treatment plants have been made available by the Congress for expenditure in the fiscal years 1973 and 1974; yet the Administration plans to spend only half of that amount.

Match the Administration's proposals with the rhetoric of its February 15, 1973 message to the Congress on environment:

"Because there are no local or state boundaries to the problems of our environment, the federal government must play an active, positive role. We can and will set standards. We can and will exercise leadership. And we will provide encouragement and incentives for others to help with the job."

There are many other examples of the abandonment of federal responsibility that we could bring to the attention of this committee, but, for the sake of brevity, we will mention only two of grave concern to workers.

The AFL–CIO and two of its affiliates had to go to court to block the abandonment of the Occupational Safety and Health enforcement program to the states. While we are pleased that Secretary Brennan has rescinded the order we went to court to block, this incident exemplifies the vigilance necessary to protect hard-won legislative gains.

More than 3½ years ago, the President, in his Unemployment Insurance Message to Congress, urged the states to establish a state maximum weekly benefit of two-thirds of the average weekly wage in the state. He called upon the states to act within two years to avert the need for federal action. But, with a handful of exceptions, the Administration request to the states to raise benefits to a decent level has been shamefully ignored. And the President has yet to ask for the federal action he threatened.

CONCLUSION

In conclusion, Mr. Chairman, we recognize that the rapid growth, during the 1960's, in the number of federal programs to help meet the nation's public investment needs inevitably created some administrative inefficiencies and overlapping grants. However, this situation does not justify a dismantling of essential programs or an abdication of the federal government's key role in the development, financing and guiding of public investments that are essential to the nation's well-being.

The AFL–CIO has long advocated simplification of the large number of federal grants which requires consolidation of many overlapping grants, without undermining their purpose, goals and standards. Proposals to dismantle the system of federal grants-in-aid to the states and local governments for specific high-priority programs should be rejected—as should proposals to supplant the expansion of such programs with underfunded revenue-sharing measures that lack clearly specified program purposes and federal standards.

Mr. Chairman, the Administration's proposals would substitute concern for the corporate ledger sheet for the helping hand of government to people in need. These proposals constitute major surgery to remove compassion and heart from government along with the cancer of waste.

It is a blatant attempt to reorder national priorities in reverse. And we want no part of it.

The system of categorical grants to meet specific problems gave a voice to many Americans who had long been deprived of a voice because they are weak. It gave national priority to their problems and hope to their everyday lives.

Mr. Chairman, who speaks for those too weak to speak for themselves? The answer must be the Congress.

We implore the Congress not to turn a deaf ear to the pleas of those who ask only for hope from their government—those who seek nothing more than a government that is as responsive to their needs as it is to the strong and the comfortable.

The strength of a chain is in its weakest link. The strength of a country is in what it does for the weakest of its citizens. We agree with Franklin Roosevelt when he said in his second inaugural address: "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."

Mr. Chairman, we want America, to be strong and compassionate and full of hope for all its people. And only the Congress can assure that kind of America.

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STATEMENT OF THE HONORABLE SARGENT SHRIVER, BEFORE THE SENATE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

I am sorry to be here.

I believe it is a sad day for America when some of the most promising and compassionate initiatives of our time are threatened with destruction.

I would have come sooner, and I am grateful to Senator Muskie for inviting me to be among the early witnesses at these hearings. But I did not want to come charging out as a protector of my own handiwork. First, I wanted to hear the reaction of public officials who have lived with the social legislation of the 1960s—Governors like Jimmy Carter and Mayors like Joe Alioto. I also wanted to think about what I could add to what others could say. Walter Heller is more expert on the economics of the Administration's cutbacks; Moon Landrieu is more expert on their impact in the cities.

What I think I can contribute is my experience with the War on Poverty, which has become a favorite whipping boy of the White House. It is cited constantly as an example of government failure and a cause for cutbacks. I think it is now time for a reply.

From the beginning, I hoped to see the Poverty Program ended—but only after the program ended poverty. Instead, while the Administration proclaims peace with honor in a war in Vietnam that was wrong, it prepares defeat with dishonor in a war on poverty that is right. And how ironic it is that our leaders are now so willing to aid a country that was our enemy until a month ago, but so unwilling to lift the burden of deprivation from our own citizens.

The Poverty Program has not been perfect. There have been mistakes and misdirections. But the Office of Economic Opportunity has seen far fewer scandals than the Committee to Re-Elect the President; it has been far more efficient than the Lockheed Corporation; it has brought far more success at a lower cost than our $25 billion investment in a collection of moon rocks. So, I do not apologize for the war on poverty; I ask that we fight on until we win. For if there ever was a war in which there should be no substitute for victory, the war against poverty is it.

That victory will not be easy but it is not beyond our financial reach. Those who want to accept poverty and those who want to abolish it cannot be divided into budget balancers and budget breakers. All of us want to hold the line on the Federal deficit; indeed, the Congress has cut Executive spending requests by $30 billion in the last four years. The big spenders in Washington since 1969 have not been "on the Hill". The waste, the excesses, and the deficits have been Executive Department accomplishments. If Congress had not restrained the President, our country's financial condition would be even worse than it is.

And the real issue now is how we should spend what we have, and how we can raise what we need. Within a budget ceiling even lower than the President's, the Congress can find additional resources to combat poverty by cutting wasteful spending on defense. And without increasing taxes on most Americans, we can raise additional revenues from the few Americans and the many corporations who are not now paying their fair share.

So the choice is not between inflation and fighting poverty. We can have both a realistic budget and responsible priorities. We can save the $1.75 billion the Administration intends to spend on the Trident submarine next year—which is almost what a year of OEO costs at its height. We can raise $15 billion a year with the Muskie tax reform bill—which is more than OEO has cost in ten years. The true choice is between waste and special favors for some, and justice for all.

But the fact that we can afford to act does not mean that every action is right. Of each program and proposal, we must also ask: Will it work? I asked myself that question over and over during my time at OEO. And I have asked it again during this time when OEO stands at the edge of extinction.

To give a fair and sensible answer we must do these things:

We must set the record of the Poverty Program straight.

We must set the rhetoric of poverty straight.

And we must set the problem of poverty straight.

First, let's set the record straight.

This is not easy—for the Administration is not only trying to distort that record, but destroy it.

We now know that the Acting Director of OEO has suppressed a report demonstrating that Community Action Agencies across the country have raised $1.3 billion for the poor, more than half of it from outside the Federal Government. Apparently, such success must be hidden because it does not accord with the official line that CAP has been a failure.

And just last week, in preparing for this testimony, I learned how far the Administration is willing to go. I asked to see a 1967 film in which the Reverend Billy Graham praised the war on poverty. The current regime at OEO replied that all 150 copies had been discarded; I suppose the only surprise was that they did not put it in a shredder. Fortunately, I managed to locate elsewhere a print that somehow survived. Is the White House so afraid to let the American people know that Dr. Graham has said: "We . . . have a moral and spiritual responsibility to help those who really are in need . . . It takes the action of government and that is one reason why I have supported the idea of the poverty program."

Why was Dr. Graham supporting an inefficient, ineffective program that was a haven for hordes of shiftless bureaucrats? Because that was not what OEO was or is, except in the propaganda and press releases of this Administration.

The war on poverty was declared shortly after men in power learned a grim truth powerless Americans had lived with for years—there was deep and widespread deprivation in every part of the nation and among a fifth of our whole population. President Kennedy read "The Other America" and many other books analyzing and revealing the extent of poverty in our affluent society, and he commissioned Walter Heller & Kermit Gordon to research the problem and propose some solutions for his consideration. After his tragic death, President Johnson determined to pursue the initiative President Kennedy had started. He called for an all-out war against poverty in his first State of the Union message and he asked me to direct the Task Force that was assigned to develop the program.

Nobody on that task force started off with the preconception that the only solution to poverty was to give away hard-earned taxpayers' money to the poor. Instead we chose to open opportunities to them—not just the provision of help from the government, but a chance for self-help. We recognized that income maintenance was important; but in the early stages, with a budgetary limitation of $500 million, we emphasized income earning.

And nobody on the Task Force thought that the Federal government had to be the only force in this new war. Instead, what we developed was a partnership against poverty, a joint effort by Washington, public groups at the local level, and private enterprise of every size.

It is a fact—not merely a statement of hope or belief—that in the operation of OEO we made giant advances in the use of the private sector and the involvement of state and local government. President Nixon may talk about the big Federal bureaucracies that grew "fat" on poverty; but the fact is that we had the fewest bureaucrats per billions of dollars spent of any Federal program in history—except for Social Security which, after all, is primarily a check-writing operation. Of course, we needed a central command for a war on poverty, and we had regional offices with Federal employees. But the forces waging this war were local school boards and YMCA groups and private businesses, labor unions and local governments, state organizations and the poor themselves.

For example, the Community Action Program was run and staffed by the poor. It introduced them to the word of work and opened to them a chance for a career. Last year, in New York City, 6000 of them, employed in 26 community corporations and their delegate agencies, brought help to 843,000 deprived citizens in the areas of housing, health, education and drug addiction.

We also called on corporations to lend a hand—and they responded enthusiastically.

When we first suggested contracting our Job Corps centers out to private industry, we were criticized, even laughed at. But we did persuade Westinghouse and Litton, General Electric and I.T.T. to take on that responsibility as well as trade unions and fraternities like Alpha Kappa Alpha. And the State of Texas helped create a special organization to run a large Job Corps Center when John Connolly was Governor.

Overall, we sought to enlist, and we did enlist, literally thousands of private and local public bodies to initiate, operate, or evaluate the many programs that were developed by OEO. But we never abandoned basic Federal responsibility for the integrity and effectiveness of such programs. We developed an Office of Inspection that made people mad at times—but I was determined to see that those who agreed to participate in our OEO programs would adhere to the purposes of the program and carry them out honestly and effectively.

Let me illustrate all of this by recalling the first days of Head Start. It was not until January of 1965 that we decided to launch Head Start. We had received advice from the country's leading educators, child specialists, psychologists, and health experts. We thought we would try to enroll as many as 25,000 children during the first summer, even though many experts said we could not reach more than 5,000. I decided to risk $10,000,000 on the experiment. But as the demand grew—as tens of thousands of Volunteers came forward—as the churches, schools, unions, and child care agencies offered their buildings and people and energy, we enlarged the budget again and again until Head Start had actually enrolled more than half a million boys and girls.

How did we manage that? Not by hiring ten thousand Federal civil servants. It happened because our appeal to the country was picked up by private citizens in over 2000 different communities. Each of these communities developed its own program based upon Federal guidelines, and by the end of that summer the 500,000 students had the benefit not only of pre-school classes, but of a complete health check-up, hot meals, and a feeling that people cared.

And in OEO, for the first time in our history, we created a body to assure regular, continuing liaison with the nation's public officials. To be sure that our programs were administered in accordance with the interests and the needs of our states and local communities, we brought together—with the co-operation of the several national organizations that operate in this field—representative governors, mayors, county officials, and city managers. They came from both political parties and independents; and they came from every part of the country. We not only preached co-operation with states and cities. We practiced it. And it paid off—not only in terms of better programs—but in terms of support. Thus, after a year of suspicion and even rejection of the concept of community action, the mayors across the nation became its ardent champions.

In short, OEO was not more of the same old Federal approach, but the first expression of a new federalism. We, in fact, called the poverty program "creative federalism" and Republican mayors, businessmen, civic leaders and others participated in our work. OEO put money and power in the hands of the people who had problems. It mobilized states and cities and private citizens and the private sector; it gave them the tools so they could do the work.

And OEO was both efficient and experimental. It was the first Federal agency outside the Defense Department to adopt Programming, Planning, and Budgeting Systems. And it was the only agency specifically charged with devising innovative solutions to the most difficult problems of poverty.

President Nixon said in 1969 that OEO has been at the "cutting edge" of our efforts to achieve "the goal of full economic opportunity for every American." He said OEO has been "one of the most creative and productive offices in the government". I share this earlier incarnation of the President's judgement. It is supported by a truly remarkable record of flexibility and creativity in the poverty program:

OEO was the first government agency to bring and win lawsuits charging that the national program of welfare assistance was based on rules and regulations which were illegal and sometimes unconstitutional because they arbitrarily denied benefits to millions of eligible recipients of the welfare system. Can you imagine HEW or any other established government department sponsoring such litigation against itself?

OEO was the first to reveal and prove that the poor want to work and that they do good work, provided they are given jobs where they can learn and show their skills. In other words, OEO proved that the poor are not lazy, shiftless free-loaders.

OEO sponsored what has been called "the most creative program of research and evaluation on basic policy issues affecting the poor ever undertaken in our nation's history." There are many examples of this OEO research, but among them are:

The New Jersey urban and rural experiments on income maintenance to test welfare and work incentives were the first of their kind in America.

Experiments in performance contracting and vouchers to determine if there are incentive systems for encouraging better education for the poor were also the first of their kind.

In Mississippi, a farm cooperative was sponsored to deal from the ground up with the causes of the most visible and pressing form of American poverty.

OEO was the first agency of the national government to recognize that the central health question of our times is a question of delivering health services to the people, especially to the poor. And based on this insight, OEO inaugurated the first nationwide system of neighborhood comprehensive health care centers, operated by prestigious medical schools but utilizing the poor themselves in para-medical jobs.

OEO was the first to inaugurate nationwide child development centers—the Head Start and Parent and Child Center programs.

OEO was the first to return power to the American Indians over their own education, over their own lands and their own laws.

OEO was the first to turn high-school dropouts into successful college students and in the process reveal the artificiality of many college admission proccedures and standards.

These efforts were uniquely non-bureaucratic. They represented a commitment which could not have been made by the Executive bureaucracies. And at least initially, they represented the commitment of the President himself through his Executive Office to the elimination of poverty. OEO was the voice of the poor and the conscience of the nation in the heart of the White House.

Yet now it is the White House which seeks to discredit and dismantle OEO and, directly or indirectly, to destroy some of our most promising programs against poverty. Administration officials say that it cannot be demonstrated that OEO had a measureable

impact on the economic status of the deprived. And, of course, that is partially true—in the sense that social science simply lacks the tools to make the measurement. Moreover, we do know that the number of people in poverty *declined* by fourteen and a half million between 1960 and 1968 while the number has *increased* in 1970, 1971 and 1972. This Administration has the unique distinction of being the first to increase poverty in America since Herbert Hoover.

I am often asked: Why has the war against poverty not brought us within sight of a victory against poverty? My answer is: Not because we have been defeated, but because we have retreated. The problem with the poverty program is not a maximum feasible misunderstanding, but a minimum financial effort. Within two years of the program's start, the danger signals were already visible.

In 1966, OEO submitted a National Anti-Poverty Plan to the Bureau of the Budget. Today, I am making that plan available to this Committee and the public for the first time because it, more than anything else, explains why OEO has not achieved its ultimate goal. In a sense, this document could be described as the Pentagon Papers of the Poverty War. It reveals that the highest officials of the Poverty Program believed that "a real start on ending poverty in the United States" required increased expenditures of $21 billion in fiscal 1972 over the fiscal 1966 figure—which was less than the cost of one year of war in Vietnam. We warned the White House: "It cannot honestly be said that current funding levels have provided more than the necessary conditions for a beginning."

And so we proposed new and far-reaching initiatives in employment, individual improvement, community support, and basic poverty research. We proposed a negative income tax to be phased in over a ten-year period—"a basic income guarantee which would remove all Americans from poverty." This plan also included work incentives and opportunity programs to assure that those who could provide for themselves would do so.

In 1966, I was critized for saying that we could eliminate poverty by 1976, the two hundredth year of our nation's life. I still believe that at the very least we could have come close. The National Anti-Poverty Plan gave us a way, but instead the best hopes of the poverty program became casualties of a foreign conflict more than ten thousand miles from our shore. We have never waged a war against poverty comparable to the wars we have waged against people.

There are those who blame OEO for alledgedly "shovelling money at problems." But the truth is that in America we have tried every solution for poverty except money. We had a structure and a strategy, but not enough support. The remarkable thing is not how little OEO has done, but how much it has done with the little it had.

Indeed, the achievements of OEO seem to have become a cause for its destruction rather than a reason for its preservation.

The Community Action Program has not only raised $1.3 billion on its own; it has also raised the political consciousness of deprived Americans. It has enabled them to organize in their own neighborhood and to secure their own rights and progress. Somehow, this Administration seems to think it is a sin because it bypasses elected local authorities. But local officials are an integral part of the program; and in every recent year, the Conference of Mayors and League of Cities has voted in favor of CAP. That is not surprising. Across the nation, CAP agencies are the glue of the anti-poverty effort. They apply for the grants and administer the programs. Hard-pressed Mayors lack the money to replace CAP, but do not want to lose the programs or benefits it brings. Yet, in defiance of the will of the Congress and the wishes of the cities, the White House has set a June 30 execution date for Community Action.

The story is much the same with Legal Services. In the Administration's eyes, its success is its fault; it is seen as subversive because it has enabled the poor to enforce their rights through the judicial system. But what is really subversive of American liberty is the attempt to restrict the rights of the poor by keeping them ignorant and keeping them from the legal protections that have been won for them by Legal Services. No other government in history had the sense of justice to finance actions against itself in the name of justice. Can anyone imagine Brezhnev financing Solyhenitsyn's lawyer? Yet our Government has had the courage of its convictions—at least until now—and has put the cause of justice for the poor above the protection of petty tyrants in their offices. I cannot imagine how this government can plot a retreat from the principle that all citizens exist under law by planning to make legal services subservient to political authority.

Finally, the White House is completing the process of dismantling the Office of Economic Opportunity by dispersing its surviving elements to other agencies. The greatest strength of OEO was its unity—its ability to speak and fight for the poor in the highest councils of government. Apparently, the Administration regards that as a weakness. It prefers to see the war on poverty fragmented to lower levels in vast Federal departments where it can be neglected because its access and authority are gone. But this will achieve precisely the opposite of what the Administration says it intends: it will beauracratize a program that has been remarkably free of stifling bureaucracy. No longer will the effort against poverty attract the kind of talent at the top levels that OEO once did; the best people simply will not work at the bottom level of government priorities and power.

The Administration claims that OEO has been a godsend, but only for overpaid bureaucrats. The truth is that, as I have noted before, its officials were few in number—and they were superior in quality. Most of them gave up secure and important positions to join the program. Let me name just a few of them:

Glenn Olds, who headed the task force on VISTA, came from the Presidency of Springfield College and is now the President of Kent State University.

Verne Alden came from the Presidency of Ohio University to lead the task force on the Job Corps; he is now President of the multi-billion dollar Boston Company.

Otis Singletary, who was Director of the Job Corps, came from the President's office at the University of Texas and is now President of the University of Kentucky.

Ted Berry, who ran Community Action, gave up a successful private law practice and is now Mayor of Cincinnati.

Clinton Bamberger who left law practice to be the first director of Legal Services is now Dean of Catholic University's School of Law.

Dr. Julius Richmond left the Deanship of Syracuse Medical School to direct Head Start; he is now Professor of Child Psychiatry at Harvard University.

Dr. Joseph Kershaw resigned as Provost of Williams College to inaugurate OEO's budgeting and evaluation office.

And the list could go on and on. It could include a Republican Attorney General of Pennsylvania who came to Washington to head up Legal Services in the Nixon Administration and quit in disgust when his efforts were subverted from on high. Does the Administration seriously believe that it can attract officials of this caliber to poverty programs that have been consigned to the bureaucratic maze.

Of course, this may be precisely what the White House wants. Since taking office, this Administration has taken a whole series of steps that have gravely weakened and undermined our efforts to end poverty. In 1969, for example, 59 Job Corps Centers were closed, turning 17,500 corpsman out on the streets. In 1970, VISTA Volunteers were subjected to harsh guidelines on their activities, and community action was restricted and cut back. Now the Administration says it wants to reorganize OEO. I suspect that what they really want is to reorganize poverty programs out of existence.

But the White House has another answer. They call it the "New Federalism," and they tell us that what Washington gives up, the new States and localities can pick up. But there is a vast distance between this rhetoric and the reality of Administration plans.

So let's set the rhetoric straight.

This year, the White House seeks to cut domestic programs by $10 billion, while the only replacement it offers is $6.9 billion in special revenue sharing. And while most grants-in-aid experience normal growth in each year, special revenue sharing will remain the same for five years. How are the states and cities supposed to make up the difference?

At the same time, the Federal programs have been cut back so abruptly that other levels of government have not had the time to replace them, even if they could. How is a county operating on a calendar year budget supposed to fund a CAP agency after federal financing lapses on June 30?

The Nixon Administration is playing a shell game with the country. On the one hand, it says that it is merely shifting responsibility to those who are closest to the people; it will give them the money and they can decide how to spend it. On the other hand, the President says that the recent round of budget cuts will "save $11 billion in this fiscal year, $19 billion next fiscal year, and $24 billion the year after."

What this means is that the states and localities will have to make up for Washington's neglect without a sufficient increase in revenue from Washington. This is not a new federalism; it is a new confederatism. Under the old confederatism of the Articles of Confederation, which was the nation's first and failing form of government, the states had the power, while the national authority was subordinate. Under the new confederatism, the states have responsibility, but not resources, while the federal government stands aside. How different this is from the creative federalism of OEO, which was a genuine partnership among federal, state and local governments and the people. In the 1960's, we asked Mayors and Governors what they thought should be done, and they participated in our policy-making on a regular, systematic basis. In the 1970's, the Nixon Administration is telling them to do what they cannot afford without any participation in the process of policy-making.

The true federalism holds that all the people of the United States are citizens of the United States, not just of the several states; and that they have a right to certain minimum standards in life no matter where they live. The new confederatism determines their fate according to their citizenship in specific states, rather than their common citizenship in the nation.

Now I am aware of the boasts that Federal domestic spending has increased substantially since 1969. But most of the increases—particularly in Social Security and Medicare—came automatically or against the will of the White House. So to those who tout the progress of this Administration, I say: Name one new Nixon program for the poor that is on the statute books today. There are none.

Indeed, this is the first Administration in our history that has started a term of office with a summons to selfishness. The wealthy can ask what they can do for themselves—and do very well. It is not the rich, but the

rest of the people, who need government the most.

That does not mean that only a few among us depend upon government. The cruelest myth of our times is that only the poor draw on the spirit of public generosity. The truth is that there are few self-made men, in this country or this Administration.

Most of us have been subsidized in our education, in our housing, in our transportation, in the conduct of our business. And even if we call this by another name, it is still the government, our government, helping us to succeed. Millions of middle-class Americans have purchased homes with federal loans at lower interest rates than they would have paid in the free market—and that, too, is welfare. And we even give money to the inefficient and the ineffective—in the boardrooms of Lockheed and the Penn Central. It ill becomes those who live in glasshouses built with Federal subsidies to cast stones at their fellow citizens who are poor and weak.

Yet perhaps what is right matters to some of leaders less than what will win. Perhaps, like the dictator who once asked: "How many divisions does the Pope have?", they are asking only: "How many votes do the poor have?"

I hope this is not so, for there is a decent and different path. It is the path back to the promise of America—that each may walk in freedom and pride, earning his way in dignity if he can, and living in decency if he cannot.

So let's set the problem of poverty straight.

Twenty million Americans are still poor. In fact, poverty in 1973 is even more intractable and difficult than it was in 1964. In the past decade, millions of the more productive poor have been able to escape poverty by finding work in a growing economy. But the remaining poor—the 1973 poor—are people who have been passed over by prosperity, passed by in social programs, and pushed back into poverty by higher unemployment. They tend to be less able to cope for themselves and less endowed with education and marketable skills. They are the hard core poor—and if we abandon them, they are helpless.

For the hard core poverty of 1973 is predominantly composed of families with only one parent and of workers with disabilities, health impairments, and a history of failure in the labor market. What jobs they can find seem designed only to foster a sense of hopelessness. There is little or no training. The work is performed under bad conditions; it is often temporary or seasonal in nature; and there are few if any chances to advance up a job ladder or to be promoted. As a consequence, the labor market attachment of today's poor tends to be weaker; job changes are high; and long periods of idleness are common, especially among younger workers.

The hard core poor also confront an educational system which by and large fails to lift their sights and develop their ability to compete successfully. Moreover, as state after state is now learning, the way by which we finance education makes the wealth of a local district the prime determinant of educational quality. Since poor families live in poor districts, those who need education the most receive quality education the least.

Once again, the list of problems could go on and on, but this much should be enough to remind us that the crisis is not over; the job is not done. And it is not just a matter of implementing known solutions; in many cases, we are not certain of what the solutions are. An immense amount of testing and experimenting with new ideas is before us.

As I have noted, such innovation has been a major task of OEO. Obviously, I believe it and OEO should continue, but I am afraid we may be too late. The Congress cannot move with the speed of a President who can exercise one man rule. But we can give innovation even more importance and priority, in a new non-political agency, independent of the established bureaucracies, free to be creative, and unafraid to explore and explain every cause and solution of poverty.

The Congress can create a National Institute of Poverty with its Director and policy-making council appointed by the President, with the advice and consent of the Senate. The Institute would conduct research projects in areas of primary concern—for example, policies to improve the functioning of the labor market for low skill workers including public employment; and policies of income supplementation, including wage and earnings subsidies, cash transfers, and in-kind programs such as food stamps, public housing, and health.

The Institute would also be charged with implementing the promising findings of this research—including the wisdom and advice of the poor and the young—into nationwide innovative efforts. When these programs prove their worth, perhaps after two or three years, they can be transferred to operating agencies, with Congressional approval, to replace programs which do not work as well—a rather different strategy than the President's practice of declaring failures and abolishing programs that Congress did not even know were in trouble. The frontier battles in the war on poverty must be waged by a single, visible, adventurous agency, responsive to local needs and responsible to Congress as well as to the White House.

But even if this proposal could not pass, and because, even if it did, the President could refuse the necessary minimum co-operation to establish and maintain a National Institute of Poverty, Congress should take two other steps, which have a general application to federal budgetary policy, as well as specific application to poverty policy.

First, the Congress should establish a Congressional Office of Research and Development.

No other major decision-making institution in our society operates without a research and development component. The Legislative Branch should have such a component, working on a day to day basis to develop new ideas and to test concepts and proposals that may be ignored, slighted, or suppressed in the Executive Branch. The initiatives taken on Capitol Hill should not depend on the decisions and priorities of Departments under Presidential control. If Congress is to take its own decisions and set its own priorities responsibly, it must examine thoroughly the entire range of options, and that requires a Congressional Research Development Office. Such an office, for example, could conduct the projects that I have outlined for the National Institute of Poverty—if there is no such Institute, or if it is prevented from achieving its purposes or perverted from them.

But Congress needs more than ideas and the capacity to test them; it needs as well the ability to implement them.

Secondly, Congress should reorganize the Office of General Accounting into the Office of General Accounting, Management, and Budget.

Today, the GAO does an outstanding job of monitoring federal expenditures—after the fact. An expanded GAO, with new purposes and powers, could provide the Congress with expert assistance in planning federal expenditures—before they are passed. As we have heard often in recent months, Congress has the authority to act; what it lacks is the means. An Office of General Accounting, Management, and Budget could give it the means—alternative budgets based on alternative estimates of needs, costs and revenues.

Planning and passing an alternative budget would be harder than reviewing a Presidential budget; just as creating a new anti-poverty program would be harder than destroying the old one; it takes no architect to tear down a house. But, somehow, in some way, the focus of national policy must be shifted from what should be abolished to what should be done. The national agenda must be restated, debated, and fulfilled. President Nixon seems to say: "If a solution does not work, let us forget the problem." We must return to the tradition of Franklin Roosevelt—and if a solution falls short, let us improve it.

We must make a fundamental choice in this country.

We can choose to abandon the weak to their poverty, driving them and those who care for them into the streets in protest or even riot, dividing our people each from each by suspicion and fear—all in the name of a false efficiency and a fraudulent economy.

Or we can see the truth and seek justice. We can see that our country cannot take more years of confrontation and keep freedom for all the years of our lives. We can seek, not repression, but liberation for all our people—a liberation of the mind from the prejudice of race and class, a liberation of the body from the pain of poverty.

The clearest moral test of our society is how we treat the poorest among us. Here in the Congress, that test must now be met. In your hands rests the final success or failure of the work we set ourselves in the 1960s. I have come here today with the hope that while others are quitting perhaps the noblest task Americans have taken up in our time, you will stay on the job.

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## CONGRESS MUST ACT TO MAINTAIN SOCIAL SERVICES

Mr. HUMPHREY. Mr. President, March 19 is the deadline stipulated by the Department of Health, Education, and Welfare for public comment on its proposed regulations that can have a disastrous impact on social services.

These federally assisted programs have been of vital importance to important sectors of our population:

To recently employed mothers, who would otherwise still be on welfare, but who now need decent day care for their children;

To elderly persons isolated in their homes and frequently afflicted with chronic illness;

To mentally retarded persons who can be helped to achieve the maximum development of their capabilities;

To youth who would otherwise be included in the rising statistics of juvenile delinquency; and

And to those suffering from the illness of alcoholism or drug addiction, and who again want to know human dignity and lead productive lives.

It was never the intent of Congress that the greater part of these programs should be wiped out, leaving thousands upon thousands of children and adults without hope. But that will be precisely the effect if these regulations are implemented in the near future.

The social services amendments enacted by Congress last year, stipulated a $2.5 billion ceiling that was carefully chosen, because it would permit the continued provision of most of these vital services. But the proposed HEW regulations fly in the face of congressional intent, accomplishing sweeping cutbacks through harsh eligibility restrictions, the prohibition of the use of private contributions—

such as those provided through community fund campaigns—as well as in-kind contributions through which State and local programs have been able to meet matching fund requirements to qualify for Federal assistance, and through the removal of several programs from the list of mandatory services to be provided by a State, and the elimination of Federal support for optional services such as legal assistance.

It is clear that once again the Nixon administration intends to blatantly usurp the legislating powers of Congress. Preliminary estimates by the States indicate that they will receive some $1 billion less under the Nixon administration's revised social services program than they were entitled to receive under last year's legislation. In Minnesota alone, the new regulations would cut over $34 million in services for programs affecting 73,000 children and adults.

I find it inhumane to propose economizing that would deny child day-care services to over 60 percent of the children of low-income families in Hennepin County, Minn.

I find it cruel to cut off future help to young retarded persons who have been enabled to gain an education and learn an employment skill. As one anguished mother wrote me recently:

> This is a retreat to the dark ages! These young adults cannot be sent home to vegetate. Many will be institutionalized out of necessity which will be a bigger burden to the taxpayers, and detrimental to them. All these years (of progress by our daughter in education and in work experience) cannot possibly just go down the drain!

The Nixon administration sees these new regulations as giving increased emphasis to services that help people move toward self-sufficiency and employment. The hypocrisy of this assertion is incredible. In fact, precisely the reverse would be the case. Thousands of people who have been enabled by social services to obtain employment and begin to see daylight in providing for their families, or who have known a measure of self-sufficiency in their lives in receiving help for chronic illness or assistance in addressing the demands of living that are placed upon a fixed low income in old age, will now be thrown back on the welfare rolls.

In a statement in the Senate on February 15, I undertook to issue an early warning on the severe impact of social services cutbacks on the basis of preliminary reports of regulations that were issued the following day by the Social and Rehabilitation Service. I was sharply critical of the extensive setback in both the standards and the availability of child day-care services that would result under these regressive regulations.

Simultaneously, I joined with 45 other Senators in addressing a letter to Secretary of Health, Education, and Welfare Caspar Weinberger that strongly protested these reported changes in social services regulations and insisted upon advance notice of these revisions being provided to the Senate, with an opportunity provided for public comment and subsequent revision.

The Secretary apparently chose to disregard the advice and concern of a major, bipartisan bloc of Senators, for no reply to this letter was received until today—and the Secretary's letter basically restates past administration arguments.

Therefore, it was clear that stronger action by the legislative branch was required to instruct the executive branch that its sole function is to carry out the mandates of Congress under statutory law.

This action has now been taken, and I have been pleased to join with Senator MONDALE in the introduction of legislation, S. 1220, to limit the authority of the Secretary of Health, Education, and Welfare to impose certain additional restrictions upon the availability and use of Federal funds for social services as have been proposed in the recent regulations.

Briefly, this bill preserves five essential authorities in the present social services program:

First. The use of privately contributed funds and inkind contributions.

Second. Present eligibility standards, under which social services may be provided to past welfare recipients for up to 2 years and to families who otherwise would clearly need public assistance within 5 years—instead of cutting back these eligibility periods to 3 months and to 6 months, respectively.

Third. Presently allowed drug and alcohol treatment programs, and education, training services, and comprehensive services for children, the elderly, and the disabled.

Fourth. The continued application of Federal interagency day care standards—rather than deleting any mention of such standards regarding, for example, the ratio of children to adult staff at child care centers.

Fifth. Reasonable State reporting requirements—rather than requiring reports every 3 months on the use of Federal funds in social services.

I strongly urge the Senate to take early action on this vitally important legislation. The crucial need for decisive legislative action has been clear to me in the heavy mail I have received from Minnesota constituents and from citizens across the Nation, strongly protesting the absence of any sense of social responsibility, compassion, or economic wisdom on the part of the Nixon administration in proposing these new regulations on social services.

As one organization in Minnesota rightly asked:

> What is the cost of *not* helping retarded persons who are released from our hospitals to obtain employment skills?
>
> What is the cost of allowing families to break up without having marital counseling and other services available?
>
> What is the cost of insufficient day care services for children of working mothers?
>
> What is the cost of failing to have chore services or home delivered meals available to the elderly? Many now being maintained in their own home will need nursing home care.

The Nixon administration must not be permitted to continue to treat such questions with silence. The Coalition for Comprehensive Child Care, in St. Paul, Minn., has stated part of the case in the sharpest possible terms, with respect to the impact of these regulations upon child care:

> The result would be a strict "ghettoizing" of day care services by essentially limiting service to current AFDC recipients. . . . The regulations will deal a crippling blow to quality child care for all children, but will drastically affect those already served through Title IV–A funds. Parents currently in work or training will have to find other, perhaps less adequate, child care facilities—or remove themselves from work or training. Children referred because of their special needs will no longer have those needs met.

Mr. Gerald A. Bloedow, executive secretary of the Governor's Citizens Council on Aging, State of Minnesota, has written me to express his deep concern for older persons in our State who will not be eligible for services under the proposed new social services regulations. He cites several salient facts: 40 percent of the older people in Minnesota are over 75 years of age—the age at which assets have dwindled and health impairments have become more frequent; and one-fourth of the elderly in Minnesota live in households with incomes less than $2,000 per year; and, among other profoundly disturbing statistics of illness among the elderly in our State, 46 percent of those aged 65 to 69 have chronic health problems.

Mr. Bloedow asks the harsh question: "What are the implications of these facts in light of the new regulations?" And he spells out the answer in unmistakably clear terms:

> Few older persons will qualify (for social services). The regulations track a path leading to institutional placements at public expense when older persons, or spouses, will have exhausted their assets, physical and financial, and when their situations will have reached crisis proportions because of unavailability of supportive services.
>
> There is irony in the fact that these regulations run counter to the thrust of the Administration and to the goals expressed at the White House Conference: "To assist older persons to live independent, meaningful and dignified lives in their own homes or places of residence, with reduction of isolation and prevention of untimely or unnecessary institutionalization.
>
> We were enthusiastic about the current State Plan for Adult Services because it would have offered tremendous opportunities to implement the goal of maintaining older persons in the community. The proposed regulations for all practical purposes have shut off these options.

There is despair and anguish in letters such as this one. It is incumbent upon Congress to answer these calls for help that have fallen upon deaf ears in the Nixon administration. And I intend to do everything possible to see to it that the corrective actions mandated in the legislation now pending in the Senate are carried through.

In conclusion, Mr. President, I ask unanimous consent that an excellent statement by representatives of the Community Health and Welfare Council, in Minneapolis, Minn., on the impact of the proposed social services regulations, be printed at this point in the RECORD.

COMMUNITY HEALTH AND WELFARE COUNCIL,

*March 9, 1973.*

Mr. PHILIP J. RUTLEDGE,
*Acting Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Washington, D.C.*

DEAR MR. RUTLEDGE: As persons vitally interested in the proposed changes in the regulations for funding of social services, we the President and the Executive Director of the Community Health and Welfare Council of Hennepin County of Minnesota, offer comments in opposition to the changes as proposed. We recognize that the proposals are intended as part of an effort toward improvement in the methods of providing needed social services. With that objective we have no disagreement, but we are strongly opposed to the changes in the regulations that will bring about the abrupt termination or curtailment of needed social services.

There can be little doubt that the changes proposed will have devastating consequences in terms of their effect on many families and individuals in Minneapolis and Hennepin County. There is no practical likelihood that State, County, City, or privately donated funds can be generated in anything approaching the amounts needed to replace the present federal funding of essential programs.

Prohibiting the use of donated funds as the State's (or County's) contributive share in claiming federal reimbursement will destroy the healthy partnership arrangement that has developed between governmental and voluntary agencies for the funding and rendition of services aimed at self-sufficiency and self-support. In child day care services 60 per cent of the children of low income families in our county would be ineligible for federally assisted accommodations if the proposed regulations changes are adopted. Ninety-five per cent of the present $2,000,000 level of federally assisted day care services will be lost if the $500,000 of donated funds is not allowed for matching. Six hundred and eleven children are involved.

To prohibit donated funds now used for federal match to provide social services to 6,000 aged persons in public housing projects in Minneapolis will remove support and assistance which maintains their self-sufficiency and independence, and in many cases represents the difference between independent living and a nursing home or institution.

The proposed prohibition in the use of donated funds as local match would knock out our present programs for rehabilitation of handicapped and also for summer camping for poor children.

Other proposed changes which would cripple vital services are those which—

(a) restrictively define former and potential recipients of public assistance;

(b) remove housing, transportation, emergency social services, homemaker services, day care, educational and health services from the mandatory category;

(c) establish the self-sufficiency and self-supporting goal of federally supported services to the apparent exclusion of the current goals which stress the importance of maintaining and strengthening family life and child development;

(d) and which eliminate the federal support of legal assistance even as an optional service.

In summary, then, we strongly urge that the changes as proposed should not be adopted. Any alternative changes in the regulations should be of such character as to assure the continuity of important services on a reasonably practical basis.

Sincerely,

M. H. STROTHMAN, Jr.,
*President.*

OMAR SCHMIDT,
*Executive Director.*

## CUTTING TROOPS AND BASES ABROAD

Mr. MOSS. Mr. President, action today by the Senate Democratic Conference provides Congress with an opportunity to set the course of America in a new direction that will benefit both foreign relations and domestic needs. The resolution calls for a substantial number of America's overseas troops be returned home and for the closing of obsolete, unnecessary, or unwanted bases throughout the world. This is a bold and proper step forward, and received overwhelming support from the members of the conference. I have strongly backed this proposal and am pleased to enter my support here on the Senate floor.

This resolution will accomplish two things: It will provide a badly needed reshaping of foreign policy, and it will release funds that can be applied to pressing domestic needs here at home.

The President's fiscal year 1974 budget requests markedly ignore many of America's domestic problems. Massive cuts have been slated for health, education, agriculture, environment, and other vital programs. The defense budget has a savings of about $4 billion on Vietnam costs, but still goes up $4 billion. This means that we will be spending $8 billion more on non-Vietnam military expenses. The President has asked the poor, the old, and the sick to pay for these increases. Congress must reverse this decision and examine the defense budget and foreign policy commitments for opportunities to reestablish a proper balance of domestic and military programs.

At a time when we are asking our own citizens to sacrifice in order to control inflation and adjust to devaluation of the dollar, we must also be willing to encourage our allies abroad to make greater commitments to their own defense. No one suggests that we abandon Europe or let down our defenses. But it is time to "unfreeze" our unrealistic and outdated posture in Europe.

Times have changed in Europe. Economic and social progress has been remarkable; we no longer perceived a monolithic Communist bloc threatening the free countries; the Iron Curtain now has broad passageways; relations between East and West are steadily improving. But our NATO commitments have not kept pace with these changes.

The resolution approved by the Senate Democratic Conference will allow America to reexamine commitments made in military and foreign policy. We must search out the fat in the defense budget, and the fat does exist. We pay over $13 million a year for servants for top military brass. We have more three- and four-star generals and admirals today than there were at the end of World War II—though we had six times as many enlisted personnel at that time.

The highest costs come in the entanglements created by over-commitments to obsolete foreign policy views. Herbert York, former Director of Defense Research and Engineering at the Department of Defense, has estimated that less than one-half of our military budget goes for defense directly related to the protection of the United States. The rest of the "defense" budget goes to implement foreign policy obligations. It might help our perspective if we label this portion of the budget a "foreign policy commitment" budget, rather than allowing it to be lumped under the shelter of activities designed to provide for the common defense.

The military budget contains billions of dollars for exotic, unnecessary weapons systems and excessive manpower levels. We can save money for our domestic needs by bringing our troops home from Europe and elsewhere, freeing them for the civilian sector, and applying the savings to our needs at home.

The remnants of America's presence in World War II and the cold war remain scattered throughout the globe. The United States has approximately 2,000 bases beyond its own borders, manned by over 600,000 U.S. military personnel. Of these bases, between 200 to 400 are major installations. Do we still need 100 bases in Japan? Must we maintain hundreds of installations in Germany? Does Korea need 32 separate major Army bases and 38,000 troops? The answer is "no."

We need strong alliances with all our allies, but the best bonds are those formed on mutual trust, and shared interests. Most countries maintain such alliances without elaborate military networks. The United States can and should reemphasize the nonmilitary aspects of a balanced foreign policy. Are our alliances so weak that our friends must hold our own troops hostage in order to believe that we truly share a unified purpose? Certainly not.

The largest savings in troop reductions can come from curtailing our massive commitments of troops to European soil. The United States presently stations 300,000 military men in Europe. The figure reaches 535,000 when support personnel are added. We do this against a backdrop of allocating 7 percent of our gross national product to defense and military-related activities, while our European allies provide roughly 5 percent for the same activities. The total costs, including the many diverse indirect costs, amount to roughly $17 billion. This figure is up from $14 billion in fiscal year 1973.

The existence of such a massive commitment simply does not square with the strategic needs of a sound foreign policy for European affairs. The most realistic deterrent to Soviet aggression in Europe is the existence of American nuclear warheads cruising the Atlantic in our Polaris and Poseidon submarines, coupled with our huge force of ICBM's. Our present policy, however, downplays this fact. Instead, some defense planners would have us believe that the conventional warfare capability of U.S. combat troops would somehow delay a Soviet invasion long enough for the Soviets to reconsider their action. The Soviets would then rationally determine that the danger of nuclear war was imminent and reverse their invasion. No explanation is given as to how the Soviet Union would become more rational during the heat of

an invasion than it was when it decided to engage in such an invasion.

Our European allies have been wise enough to spot this faulty logic, but since it was not their money involved, they have been very willing to have our troops remain. Their own stockpiling of ammunition and materials necessary to combat a conventional invasion indicates that they do not anticipate a prolonged engagement. Instead, they expect nuclear confrontation to occur very quickly in the event of the outbreak of hostilities.

I do not believe that any "hostage" force is necessary to demonstrate the U.S. commitment to its European allies. But if the theory is to be used at all, it will certainly be just as valid for 100,000 troops as it is for 300,000.

Some argue that unilateral reductions in force now will jeopardize negotiations for troop reduction between the United States and the Soviet Union. I am persuaded that this is not the case. The Soviet Union has long seen our presence as a threat that required counterbalancing. They have many incentives to reduce their own force levels—tensions in the Far East, and their own internal domestic needs. In today's setting, international peace rests more on reducing fears than it does on the scare of massive troop levels.

Is the reduction of troops in Europe and the closing of unneeded foreign military bases a return to isolationism? Isolationism is gone from the United States forever. We live in a large international community that is built on nonmilitary relationships. In many cases, these ties will be strengthened once our allies see that we are less inclined to rely on military force and more disposed toward accommodation, cooperation and rational diplomacy. What we are talking about in the proposal is not isolationism. It is military overcommitment, new subtle modern forms of what has previously been called imperialism, the propping up of unpopular governments, and the retention of the U.S. presence where less is needed.

The balance of power will not be unfavorably affected by the action we propose. Those who fear that the Soviet Union would move rapidly into Europe underestimate our nuclear deterrent and the strength of the nonmilitary aspects of our alliances. The signing of a nonaggression treaty between the Soviet Union and West Germany has stabilized relationships by reducing world tensions. The strong bonds between America and its allies will continue.

CONCLUSION

The world has changed, but many of our commitments and much of our military presence has not adjusted to meet those developments. Our allies around the world are now strong, when once they were weak. Devaluation of the dollar significantly increases the costs of maintaining obsolete bases and unnecessary troops abroad. Such commitments cause from $8 to $12 billion in our present balance-of-payments deficit. For Europe alone, the figure is $5 billion.

We must maintain strong alliances throughout the world, but that strength does not require the presence of large military forces. We must ask our allies to do more for themselves. Instead of increasing U.S. troops in England and Korea, as we have done in the past year, we must reduce such commitments and such costs. Our Nation needs these funds for domestic purposes, and a modern foreign policy requires such changes.

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## OPTOMETRY EDUCATION IN INDIANA

Mr. HARTKE. Mr. President, each day brings more letters and visits from constituents shedding light on the tragedy which will result if we allow the administration to curtail or eliminate many of the social programs which have reached out to meet the needs of the American people.

Recently, a delegation from Indiana University at Bloomington, visited me to talk of the cutbacks the administration has proposed for health professions educational assistance. Indiana has one of the 12 schools in the entire Nation which train optometrists. In 1972, Indiana University received $284,551 in Federal assistance for direct training support for optometry education and another $144,095 for student loans and scholarships. In terms of faculty and staff, this assistance enables Indiana University to employ more than 28 persons it would otherwise be unable to hire, because of financial stringencies.

Despite the valuable vision care work which the Indiana University division of optometry has done with funds provided by the Health Professions Educational Assistance Act of 1966, the administration now proposes to cut this program in half for fiscal year 1974 and eliminate it entirely the following year. This would indeed be a tragic action which this Congress cannot afford to permit.

Mr. President, I ask unanimous consent that a statement on State and community vision care resources prepared by the Indiana University division of optometry be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a table which depicts the State-by-State optometric needs as of 1980 be printed in the RECORD at the conclusion of my remarks.

The simple fact is that Indiana—nor any of the other 49 States—cannot hope to meet the projected optometric needs without continued Federal financial support. Once again, the people will lose if we allow the administration's proposals to go unchallenged.

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

STATE AND COMMUNITY VISION CARE RESOURCES MADE POSSIBLE BY FUNDING FROM THE HEALTH PROFESSIONAL EDUCATIONAL ASSISTANCE ACT OF 1966 AND THE COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971

A. UNIVERSITY CLINIC EXPANSION

The University Clinic is located on the second floor of the Optometry Building at 800 East Atwater Avenue, Bloomington, Indiana. Students and staff provide general vision care to a population made up of university students, staff and faculty and their families, and of townspeople who avail themselves of the services of our campus-based, but public, clinic. Federal funding has made possible a 300% increase in the vision care services being rendered in this facility.

B. COMMUNITY CARE CLINIC

This health care facility is located in an area of Bloomington identified as economically depressed, and is serving as the nucleus for the development of a neighborhood health center involving several health and social agencies. Included in this facility is a well baby clinic sponsored by the Community Action Program (O.E.O.) and the Public Health Nurses Association, a maternal and child care program, a United Fund sponsored part time area social worker, and various other groups, in addition to the vision care and screening services provided by our own clinic within the center.

C. STONEBELT SERVICE

The Stonebelt Center for the Retarded has functioned in the city of Bloomington since 1958 conducting diagnostic and training activities for the mentally retarded. This day care center provides services to residents of Monroe and neighboring counties and has always maintained a close working relationship with many Indiana University departments, including the Division of Optometry. A new training facility was completed in August 1971. Included in the facility is an optometry service which renders early diagnosis and treatment services to the center's 120 trainable mentally retarded children and adults. In addition to the children and adults at the center, the Stonebelt Optometry Service also provides early diagnostic services for the Indiana University Developmental and Training Center. This center provides diagnostic, education programming, and referral services for children throughout the state suspected of having severe learning disorders including mental retardation.

D. MOBILE VISION SCREENING AND CARE UNITS

Two mobile vision screening and care units are operated under the direction of the Division of Optometry. One is a trailer type that has been provided by the Lions Clubs of Central Indiana, and the other is a self-propelled unit for provision of primary vision care as well as some screening. The self-propelled unit was acquired with funds provided by the Health Professions Education Act. These units operate primarily in areas of acute need and shortage of vision care manpower, including the Indianapolis inner-city area and various state and local institutions. The trailer unit (and occasionally the self-propeller unit) is used extensively in our school screening program which provides vision screening examinations to children in all public schools in Bloomington and schools in other communities in central and southern Indiana.

E. GERIATRIC AND LOW VISION EARLY DIAGNOSIS AND CARE UNIT

A working relationship has been established with several extended care facilities and homes for the elderly in the area to provide screening, diagnosis and care for the residents of these facilities.

ANALYSIS OF OPTOMETRIC NEEDS BY STATES TO 1980 BASED UPON EXPECTED POPULATION AS ESTIMATED BY THE BUREAU OF CENSUS

| State | A—Percent of practitioners | | B—Municipalities served | | C—Population 1980 (estimated nearest thousand) | D—Percent population increase 1970–80 | E—Approximate number of optometrists 1969 | F, G, H—Additional optometrists needed by 1980 to provide a ratio of 1 to 7,000 | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Optometric | Medical | Optometric | Medical | | | | Growth | Attrition | Total |
| Alabama | 68 | 32 | 78 | 22 | 4,223,000 | 12 | 191 | 413 | 57 | 470 |
| Alaska | 75 | 25 | 6 | 1 | 360,000 | 21 | 15 | 36 | 4 | 40 |
| Arizona | 61 | 39 | 28 | 19 | 2,469,000 | 35 | 129 | 224 | 39 | 263 |
| Arkansas | 78 | 22 | 68 | 20 | 2,319,000 | 13 | 159 | 172 | 48 | 220 |
| California | 72 | 28 | 594 | 209 | 27,742,000 | 32 | 2,509 | 1,452 | 753 | 2,205 |
| Colorado | 62 | 38 | 49 | 21 | 2,588,000 | 20 | 191 | 178 | 57 | 235 |
| Connecticut | 64 | 36 | 81 | 37 | 3,744,000 | 21 | 270 | 265 | 81 | 346 |
| Delaware | 63 | 37 | 11 | 5 | 689,000 | 24 | 32 | 66 | 10 | 76 |
| Florida | 74 | 26 | 134 | 59 | 9,019,000 | 36 | 523 | 765 | 157 | 922 |
| Georgia | 66 | 34 | 103 | 35 | 5,563,000 | 17 | 280 | 486 | 84 | 570 |
| Hawaii | 65 | 35 | 15 | 6 | 862,000 | 13 | 65 | 58 | 20 | 78 |
| Idaho | 77 | 23 | 36 | 9 | 821,000 | 15 | 94 | 23 | 28 | 51 |
| Illinois | 80 | 20 | 287 | 92 | 12,778,000 | 15 | 1,927 | ---------- | 578 | 578 |
| Indiana | 74 | 26 | 143 | 48 | 5,831,000 | 14 | 546 | 291 | 164 | 455 |
| Iowa | 76 | 24 | 136 | 35 | 2,921,000 | 6 | 371 | 46 | 111 | 157 |
| Kansas | 75 | 25 | 95 | 35 | 2,513,000 | 9 | 249 | 110 | 77 | 187 |
| Kentucky | 71 | 29 | 91 | 30 | 3,559,000 | 8 | 239 | 269 | 72 | 341 |
| Louisiana | 58 | 42 | 68 | 24 | 4,571,000 | 20 | 239 | 414 | 72 | 486 |
| Maine | 77 | 23 | 53 | 19 | 1,083,000 | 9 | 126 | 29 | 38 | 67 |
| Maryland | 54 | 46 | 65 | 27 | 4,851,000 | 24 | 203 | 490 | 61 | 551 |
| Massachusetts | 73 | 27 | 200 | 82 | 6,236,000 | 12 | 829 | 63 | 248 | 311 |
| Michigan | 71 | 29 | 197 | 75 | 9,929,000 | 14 | 789 | 629 | 237 | 866 |
| Minnesota | 71 | 29 | 138 | 39 | 4,209,000 | 14 | 408 | 193 | 122 | 315 |
| Mississippi | 65 | 35 | 60 | 22 | 2,735,000 | 13 | 128 | 263 | 38 | 301 |
| Missouri | 73 | 27 | 144 | 35 | 5,172,000 | 12 | 480 | 259 | 144 | 403 |
| Montana | 71 | 29 | 42 | 12 | 817,000 | 13 | 98 | 19 | 29 | 48 |
| Nebraska | 75 | 25 | 64 | 18 | 1,605,000 | 8 | 176 | 53 | 53 | 106 |
| Nevada | 72 | 28 | 9 | 2 | 701,000 | 28 | 40 | 61 | 12 | 73 |
| New Hampshire | 66 | 34 | 26 | 14 | 815,000 | 20 | 73 | 43 | 22 | 65 |
| New Jersey | 70 | 30 | 223 | 108 | 8,993,000 | 20 | 712 | 573 | 214 | 787 |
| New Mexico | 65 | 35 | 26 | 14 | 1,384,000 | 27 | 71 | 127 | 21 | 148 |
| New York | 64 | 36 | 334 | 163 | 21,868,000 | 14 | 1,837 | 1,287 | 561 | 1,848 |
| North Carolina | 65 | 35 | 135 | 64 | 5,993,000 | 15 | 347 | 509 | 104 | 613 |
| North Dakota | 78 | 22 | 37 | 9 | 704,000 | 7 | 77 | 24 | 23 | 47 |
| Ohio | 71 | 29 | 257 | 93 | 12,416,000 | 16 | 1,027 | 747 | 308 | 1,055 |
| Oklahoma | 71 | 29 | 90 | 34 | 2,793,000 | 10 | 262 | 137 | 79 | 216 |
| Oregon | 73 | 27 | 68 | 27 | 2,414,000 | 16 | 310 | 35 | 93 | 128 |
| Pennsylvania | 69 | 31 | 351 | 156 | 12,689,000 | 8 | 1,342 | 471 | 403 | 874 |
| Rhode Island | 82 | 18 | 28 | 10 | 1,006,000 | 9 | 144 | ---------- | 43 | 43 |
| South Carolina | 69 | 31 | 66 | 19 | 3,063,000 | 14 | 163 | 275 | 49 | 324 |
| South Dakota | 83 | 17 | 40 | 10 | 730,000 | 6 | 99 | 5 | 30 | 35 |
| Tennessee | 71 | 29 | 93 | 27 | 4,638,000 | 14 | 322 | 341 | 97 | 438 |
| Texas | 65 | 35 | 200 | 91 | 13,606,000 | 19 | 829 | 1,115 | 249 | 1,364 |
| Utah | 63 | 37 | 26 | 9 | 1,346,000 | 24 | 89 | 103 | 27 | 130 |
| Vermont | 70 | 30 | 18 | 8 | 472,000 | 13 | 37 | 30 | 11 | 41 |
| Virginia | 63 | 37 | 87 | 48 | 5,717,000 | 19, | 296 | 521 | 89 | 610 |
| Washington | 69 | 31 | 98 | 31 | 3,587,000 | 16 | 397 | 115 | 119 | 234 |
| West Virginia | 69 | 31 | 63 | 26 | 1,772,000 | ---------- | 162 | 91 | 49 | 140 |
| Wisconsin | 71 | 29 | 156 | 45 | 4,908,000 | 14 | 458 | 243 | 137 | 380 |
| Wyoming | 72 | 28 | 20 | 7 | 386,000 | 15 | 39 | 16 | 12 | 28 |
| Total | | | | | | | | 14,202 | 6,159 | 20,361 |

## A LOGICIAN IN THE SENATE

Mr. BAKER. Mr. President, Holmes Alexander, the distinguished nationally syndicated columnist, was recently recognized for his outstanding citizenship activities by the Freedoms Foundation at Valley Forge.

He was presented with the George Washington Honor Medal Award for his 1972 columns and, in particular, for his "Historic Perspective" column which appeared at the end of that year.

Mr. Alexander, a nationally syndicated writer with the McNaught Syndicate since 1947 and the author of a number of books, is a perceptive and intelligent commentator on national and world events.

Last month Mr. Alexander wrote a column which appeared in many newspapers throughout the country about "A Logician in the Senate"—an analysis of Senator WILLIAM SCOTT's stand on a number of current issues.

Senator SCOTT served three terms in the U.S. House of Representatives before being elected to the Senate in 1972. Since January I have been privileged to serve with him on the Committee on Public Works and to work together on projects of special importance to our neighboring States of Virginia and Tennessee.

Mr. Alexander's column highlights Senator SCOTT's belief in fiscal responsibility and the need for making Government more responsive and more responsible at the level closest to the people.

I ask unanimous consent that Mr. Alexander's column on Senator SCOTT be printed in the RECORD.

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

A LOGICIAN IN THE SENATE

WASHINGTON, D.C.—Before he came to the House in 1967 and this year to the Senate, William Scott (R-Va.) was a Justice Department trial lawyer—not a prosecutor, but an advocate in civil cases—and his mind has a satisfying exactness in its address to political matters.

Dark-visioned and deliberate-spoken at 57, Scott is one who pushes logic to its terminal conclusions. For example, other Senators oppose aid to Red Vietnam as an extravagance or a travesty, but Scott sees it as dangerous and provocative. He reasons that to give cash awards to an aggressor is to encourage aggression.

Likewise Scott finds the President's ideas of the Work Ethic entirely incompatible with domestic handouts of any kind—and therefore, he believes that even the squeezed-down Nixon budget is too big. Also, Scott finds an irreconcilable contradiction of language and policy in an administration which hucksters both Equal Opportunity and Black Capitalism—where's the equity there for nonblacks?

Additionally, the Old Dominion junior Senator is stumped when clergymen come around with strongly taken positions on battle strategy and environmental protection systems. He taught adult classes in Bible studies for 20 years at his Methodist Church in Fairfax County, and doesn't believe that military science and the economics of conservation could be well learned in theological seminaries.

Truths of such unanswerable logic are the newsman's treat in an interview with Scott. Those already mentioned might be considered as little more than axiomatic, but immaterial trivia in a capital where hard news is the preferred fare. However, at the time I called Scott had just sent over to the Library of Congress for some background material on a very newsy subject, the Office of Management and Budget (OMB) and was orally putting it through his process of thought.

He had voted with the minority in a 63–17 Senate decision that would make the OMB director and deputy director subject to confirmation. As Scott thought it out, the traditional separation of powers permits a President to make use of a confidential kitchen cabinet of subministers, such as Roy Ash and Henry Kissinger. In voting itself into this little White House circle, the Senate was on the wrong approach to the curbing of executive power. The OMB relates closely to the national purse and might properly be considered an agency of Congress, rather than of the Executive.

Scott wants to study some more before deciding firmly, but he has in mind a landmark measure that would move the Office of Management and Budget to the control of

Congress. This would put it in the echelon with the Government Accounting Office and the Library of Congress, and would end all bickering over the creeping usurpation of Presidential power in the field of national finance. The governmental branch closest to the people would presumably know best in what programs the people wished to invest, and how much.

If the country should consistently send a liberal majority to Congress, we would have a perpetual New Deal or Great Society and become a unitary democratic socialist republic in nature, if not in name. Contrariwise, if the country sent up rational conservatives like Bill Scott, and some others who are already leaning his way, we would have the kind of self-reliant, decentralized, Phoenix-from-the ashes nation that the President envisioned on Inauguration Day.

A number of southern and western Senators favor the result of Presidential impoundment of funds, but aren't quite certain that it's lawful. One way to remove that uncertainty would be to make Congress the undisputed master of the budget.

## SENATOR JESSE A. HELMS

Mr. BAKER. Mr. President, a recent issue of Broadcasting magazine devoted its profile to an interview with our colleague, the distingished junior Senator from North Carolina. As many Members of this body are already aware, Mr. HELMS comes to Washington fresh from a remarkable career in the broadcasting industry. Both as a broadcasting executive and as a commentator on the air, he has left his mark upon his State. He is the only member of the Senate with a background in television broadcasting.

I am confident that his service in the Senate will similarly make a lasting impression upon his constituents and upon all of us who work with him. As ranking minority member of the Senate Subcommittee on Communications, I look forward to the contributions which his unique expertise can make to the debate in the Chamber.

Mr. President, I ask unanimous consent that the profile on the junior Senator from North Carolina from Broadcasting magazine of February 26, 1973, be printed in the RECORD at the conclusion of my remarks.

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

BROADCASTING'S OWN: THE CONSERVATIVE SENATOR FROM NORTH CAROLINA

It is fashionable for political observers and for politicians themselves to disdain labels, but freshman senator and former broadcaster Jesse A. Helms (R-N.C.) can be comfortably tagged a solid, Southern conservative, the kind that exasperates those who would be labeled liberals. Mr. Helms will not object.

His location at that side of the political spectrum was verified by 12 years of highly opinionated, five-minute, five-nights-a-week editorials broadcast on WRAL-TV Raleigh, N.C., and the 80 stations hooked into the Tobacco Radio Network, and syndicated nationwide in over 200 newspapers. Those *Viewpoint* commentaries, springing from his devotion to self-determination, free enterprise and a limited federal government, have twice been honored by the right-leaning Freedoms Foundation.

His political philosophy gained him the support of President Nixon and Senators Barry Goldwater (R-Ariz.), Strom Thurmond (R-S.C.) and James Buckley (C-N.Y.), who all campaigned for Mr. Helms. Mr. Buckley introduced the former executive vice president of WRAL-FM-TV to the Senate as "a dedicated American who understands that our federal government was designed to be limited in scope and that the vitality of the free market should be encouraged, not stifled, by government."

His election, however, was an uphill fight. Aside from the problems created by his controversial opinions, he ran as a Republican in a traditionally Democratic state. Not only that, he was a Republican who had recently jumped the Democratic party.

His one advantage was the broadcast exposure he had had in the eastern part of the state. He overcame the other obstacles by 20-hour work days—he remained an active executive at the WRAL stations, although he ceased his editorials when he became a candidate—and campaign expenses of over $700,000. That was "peanuts compared to a campaign in New York," he said, but to him it was an "immense amount."

Mr. Helms says he was elected by "the little people—that's what they are called, but they are not so little." A broadcasting associate of Mr. Helms says the senator's "following" put him into office.

Mr. Helms is not a complete newcomer to Washington. In the early fifties, after working for several years in programing at WCBT (AM) Roanoke Rapids, N.C., he went to Capitol Hill as an administrative assistant to the late Senator Willis Smith (D.-N.C.), and when Mr. Smith died, Mr. Helms continued as AA to Alton Lennon, the appointed successor. "At least I know my way to the washroom," Mr. Helms puts it.

In 1954, Mr. Helms went back to North Carolina as executive director of the North Carolina Bankers Association. In the late fifties and early sixties he also was elected to two terms on the Raleigh city council. He returned to broadcasting in 1960 as vice president for programing, news and public affairs of Capitol Broadcasting, licensee of the WRAL stations and operator of the Tobacco Radio Network. At that time, he also began his *Viewpoint* broadcasts. He was elevated in 1966 to the post of executive vice president, vice chairman and chief operating officer for the company and continued in those positions until going to Washington.

As a former broadcaster, Mr. Helms admits to a constituency of "my business," as he calls it. "It would be pretentious to say that I am not interested in the welfare of responsible broadcasting," he says. But Mr. Helms is careful to point to the operant, and his favorite, word—"responsible."

Mr. Helms has received broadcasters in his Washington office, most of them from North Carolina and most of them interested in renewal legislation. They find him receptive and sympathetic. He says he "thoroughly agrees" with National Association of Broadcasters-type renewal bills proliferating in this session of Congress, and he has directly indicated to the North Carolina Association of Broadcasters that he will support such legislation.

The senator feels that a five-year license term is a minimum and it should eventually be extended. He has not indicated however, that he would personally introduce any renewal proposal, either because of the present abundance or because he still maintains, according to the FCC, a less than 1% interest in Capitol Broadcasting.

If his conservative stance lines him up with broadcasters on renewals, it does not on one other prominent broadcast-related topic on Capitol Hill—newsmen's privilege. "Shield laws? I am unalterably opposed to them," he said. "I don't think that a newsman ought to have one bit more protection than anybody else."

And he says this is a former newsman, a working street reporter who was honored at the age of 20 by the North Carolina Press Association for "enterprising reporting." Later, and before moving into broadcasting, he was also a city editor for the *Raleigh Times*. He says he had himself received a great deal of privileged information as a reporter, had been before grand juries and that if it had ever come to a question of going to jail or violating his honor he would have gone to jail. But he now feels no need for legislated protection because he does not see freedom of the press in jeopardy. Instead, and again using his key word, he said that "responsibility of the press is certainly questionable."

It was undoubtedly that same opinion underlying a decision at WRAL-TV back in the early sixties to switch network affiliations from NBC to ABC. Although he said the change "was due to a variety of things," he also said that "we were dissatisfied with NBC News operations in many instances. This was the time of racial turmoil—the height of it, the snarling dogs incident in Alabama and all of the other contrivances that the networks were obviously guilty of." But he continued, "I don't mean to say that I have a hostility about it, but I do have a pride in responsible broadcasting."

## CORPORATION FOR PUBLIC BROADCASTING

Mr. BAKER. Mr. President, there has been a great deal of misunderstanding generated recently about the goals and activities of the Corporation for Public Broadcasting.

The man who serves as Chairman of the CPB Board of Directors is the Honorable Thomas B. Curtis, a gentleman who served for 18 years as a Member of the House of Representatives with great distinction. During his years of service in the Congress, Tom Curtis came to be known as his own man, a public servant with the interests of the people at heart.

I think I speak for most Members of this body when I say that the task Mr. Curtis has taken on is a very demanding one, and a task in which we wish him the very best. It is, of course, purely a position of service, there is no salary. It is Mr. Curtis' job to guide the important activities of the Corporation for Public Broadcasting into often uncharted waters, and there are bound to be storms which will be encountered.

Although his professional duties as vice president and general counsel for the Encyclopaedia Britannica and the Encyclopaedia Britannica Educational Corp. demand the greatest application of his professional talents, I am told that Tom Curtis is managing to save some 20 percent of his time to give in the cause of improving public broadcasting in this Nation, and for this I am personally grateful to him.

Three recent newspaper articles, taken together, give us a very complete picture of Tom Curtis. I refer to an article in the February 9 edition of the Christian Science Monitor by Lucia Mouat, and to recent columns by Rebecca Morehouse of the North American Newspaper Alliance, and by that distinguished and long-time observer of the American political scene, Roscoe Drummond.

I believe that all Senators as well as the general public will be interested in these articles and, accordingly, I ask unanimous consent that they be printed in the RECORD at this point.

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

TV CHIEFS REJECT CHARGE THEY OBEY WHITE HOUSE

(By Lucia Mouat)

Directors responsible for the future of public television in the U.S. are bristling at charges that they are trying to centralize program decisionmaking and bow to White House orders.

Their intentions, they say, are quite the opposite.

"Sure, we listen to the White House, just as we listen to a lot of other people, but we're the ones that make the final decisions," says Thomas Curtis, chairman of the board of the Corporation for Public Broadcasting, in an interview here following the CPB's monthly board meeting.

The "we" which the former Republican congressman from Missouri and current vice-president of Encyclopedia Britannica refers to is the 15-member CPB board of presidential appointees charged five years ago by Congress with setting up a system under which federal funds for public broadcasting would be spent. Eight Republicans and seven Democrats serve on the CPB.

The board contends that its authority in programming decisions, a natural accompaniment to its fiscal responsibilities, has gradually been usurped by the Public Broadcasting System (PBS) which was set up with CPB's cooperation solely to transmit programs to the 233 local public-television stations around the country. Mr. Curtis claims that the board, by revising the present system, is simply retrieving the responsibility that legally was its own all along.

No one would argue that the PBS is giving up the fight easily. It has been trying to raise funds on its own (it now depends on the CPB for almost all it gets) and has angered the CPB board and staff by its slow and sometimes nonexistent compliance with paperwork requests. These range from a plea for comments on the specifics of an outside audit of the PBS to one for sitting down with the CPB staff to draw up a common position paper. Latest irritant is the fact that, unknown to him, the PBS made a tape of a speech by Mr. Curtis to the PBS controlling board at its San Diego meeting last month.

CHILD RUNNING HOUSEHOLD

One CPB sympathizer describes the PBS behavior as "the child rebelling against the parent and trying to run the household."

Mr. Curtis, in his assessment of the situation, makes a sharp distinction between the local station managers now represented on the PBS controlling board and the individual stations' boards of directors in whose name the actual broadcast licenses are vested. It is the latter group which the CPB is now working hard to cultivate, and the chairmen of these local boards, says Mr. Curtis, "are taking the lead in working out a system."

In the meantime, much of the public attention on the controversy has focused on the future of public-affairs programming and what some see as its "liberal bias."

Mr. Curtis argues that the public-affairs issue is "overplayed" and "collateral" to the central goal of improving the system of operation. However, he concedes that both because of budget limitations and such lack of balance, some public-affairs programs will probably be dropped by the CPB board "to regain the proper perspective."

So far, critics have no evidence in hand. At this week's meeting it was decided to keep during 1974 both "The Advocates" and the highly controversial "Black Journal," a program which many thought was sure to go and for which a small but stalwart band of poster-carriers picketed CPB headquarters on the day of decision. Other public-affairs programs will be taken up at future board meetings. But as yet none have been firmly rejected.

SPOTLIGHT ON EDUCATION

In Mr. Curtis's view, many other possibilities may deserve higher funding priority. Educational programs on health and welfare and more cultural ventures into theater and opera, for instance, deserve consideration in his opinion.

"People say, 'Why don't we produce something like "Search for the Nile" or "The Forsythe Saga"?' and these are fair questions," he says.

Also high on his list of priorities are increased facilities for local stations to take programs off the PBS interconnection to run them at a time of their own choosing. More than half of the local PBS affiliates lack such facilities. Also, he would like to proceed with development and maintenance of a central library of program materials and with a marketing system so that local stations could develop programs of a high enough caliber to go on the PBS interconnection.

"The name of the game is what comes out of the tube and giving people of this country more variety and quality so they have a choice," says Mr. Curtis.

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EDUCATIONAL TV SEEKS BALANCE

(By Rebecca Morehouse)

NEW YORK.—Educational television must strive harder to achieve fairness and balance in public affairs programs, says Thomas B. Curtis, the former congressman from St. Louis.

He is chairman of the board of the Corporation for Public Broadcasting (CPB).

"This area draws the heaviest flack from Congress," he said. "Under the law, noncommercial educational TV is obliged to adhere strictly to objectivity and balance in all programs of a controversial nature. This doctrine is still being defied.

"I don't think you get fairness if, say, you present the John Birch Society one week and the Americans for Democratic Action the next week. You won't get the same audience. To get objectivity and balance, you have to have both sides on the same program."

Bill Moyers' Journal, William Buckley's Firing Line and Washington Week in Review have all been criticized for lack of objectivity, he said.

"The decision hasn't been made as to whether we will cut them," he continued. "Washington Week in Review is often charged with bias. We will continue the Advocates and we may continue Black Journal. The board has allocated money for a black program but we want to take a look at other programs."

The Corporation for Public Broadcasting is a 15-man board appointed by the President and confirmed by the Senate. Members serve six-year terms.

"We are an independent board," said Curtis, who was appointed by President Nixon in 1972. "Our job is to assist 231 TV stations and about 400 radio stations to develop programs of high quality, to help them do what commercial stations can't do. Scholarship is what it's all about, an honest search for truth. We don't want to rig things. We've pretty well agreed that news is something we should not do.

"Essentially, the board's power is the money it gets from the Congress, at present $45 million a year. Eighty per cent of the funds available to local stations (public Broadcasting Service, NET and state-owned stations) come from nonfederal sources. What they do with their 80 per cent is their own business."

Curtis said he devotes more than 20 per cent of his time to CPA: "Board members get no pay, but we do get our expenses."

He lives in St. Louis, has a law firm there, and is vice president and general counsel of Encyclopaedia Britannica Inc., and of Encyclopaedia Britannica Educational Corp. For 22 years, he was a member of the board of trustees of Dartmouth College and still serves on four other college boards.

Adult education, health, older citizens, the minorities and welfare merit far more attention from educational TV, he said. He is eager, as well, to develop a "library" of programs, timeless in nature.

Adult education: "We should be doing more for people who haven't gone to high school or grammar school. Sesame Street, one of our biggest successes, has taught adults to read. The illiterate older person looks over the shoulders of the child watching Sesame Street and he learns to read."

Health: "One of our serious problems is venereal disease. 'VD Blues,' which was done in a light way, was well-received. Some communities followed it up with their own anti-VD programs. Television is really a private message, that's why 'VD Blues' was so acceptable. We ought to do more programs to educate the public about health. We've given money to the children's television workshop to develop public health programs."

Older citizens: "Retired people, here's a big audience that needs attention. People in nursing homes need attention. Radio is very important here. Many old people don't have good vision, but they can lie and listen to radio. TV has reawakened us to the powers of radio. We need constantly to emphasize radio."

The minorities: "Commercial stations are limited in what they can do for minority groups. These are select audiences. I'm anxious for blacks and other minorities to tell us what is useful to them."

Welfare: "Welfare is an important area we should touch on. A lot of welfare people have TV, it's their only recreation and entertainment."

He then discussed the library concept.

"By library I don't mean an archive, I mean something that's living. We ought to have every great composer and conductor in our library—great teachers, too. Shakespeare or a 'Forsythe Saga' can be done over and over again; millions will see them over the years. We ought consciously to be developing these quality programs.

"Wouldn't it be great to have the original cast of 'My Fair Lady' on video? Those interested in ballet are not a sizable group, but you can play ballet program 10 years from now. We could buy quality programs from commercial TV if necessary.

"We shouldn't let the lack of long-range financing interfere with long-range planning. Every year, we have to go before the Congress for our budget. It would help to have long-range financing, but we should plan ahead anyway."

Two other matters concern him:

"I'm anxious to encourage private concerns to develop programs for public broadcasting, programs that don't fit commercial TV. IBM, Xerox and 3-M are doing this. Private companies should risk money for educational programs.

"The public broadcasting service is the corporation we created to handle the facilities, which are controlled by the hired managers of local stations. I think we should listen more to the boards of directors of local stations. They should have more voice in policy."

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SETTING THE RECORD STRAIGHT

(By Roscoe Drummond)

WASHINGTON.—Now is the time for somebody to come to the defense of Thomas B. Curtis, the new and badgered chairman of the Corporation for Public Broadcasting. Or at least to set the record straight.

Here is a widely esteemed 18-year congressman from Missouri who is now vice president and general counsel of the Encyclopaedia Britannica. The moment he was elect-

ed to head the instrument Congress created to develop educational radio and television—even before he had said anything, proposed anything, done anything—he was clobbered instantly, totally and inaccurately.

The principal accusations aimed at Curtis before he could catch his breath—together with the facts which call them into question—are these:

Accusation: Nixon made Curtis chairman of the CPB to enable the White House to "take over" public broadcasting.

Fact: The President cannot make anybody chairman of the CPB. Curtis was unanimously elected by the 15 board members of the corporation, eight of whom were appointed by Lyndon Johnson.

Accusation: The White House wants to turn publicly financed, non-commercial TV into a propaganda arm of the administration and expects to use Curtis to that end.

Fact: Unproved, untrue and certainly unattainable. Tom Curtis can't be "used" by anybody. He is in nobody's pocket and never has been, as his colleagues in Congress know. One of his central objectives today is to make sure that public radio and television shall not be allowed to become a propaganda tool of this or any future administration.

Accusation: The White House is out to "destroy" public television and hopes the new chairman will help.

Fact: The administration could hardly set out to destroy public television and at the same time expect it to make it into a partisan propaganda arm. It wants to do neither—and isn't. During the first Nixon term, federal appropriations for the Corporation for Public Broadcasting rose from $5 million in 1969 to $35 million in 1972. The White House is asking Congress to increase this to $45 million for the new fiscal year and to $60 million for the next.

Accusation: The critics assert that Chairman Curtis aims to wipe out public affairs programming, opposes controversial programs and wants only bland stuff.

Fact: Curtis has been a center of controversy throughout his whole political career, in Congress and out. He likes controversy; he sees it as a vital part of noncommercial television, a needed impetus to public awareness.

During this early period of attack-first-and-get-the-facts-afterward, the aim seemed to be to immobilize the new chairman before he could do anything. But Curtis can't be immobilized easily, and it is my conviction that in due time public television viewers will find him a boon and the public TV station directors and most producers will find him an asset.

Naturally he wants fairness and balance in controversial programs and in news commentary. He'll get it. The status quo isn't to be sacred. He would like to see more nationally produced programs, not less.

He would like to see the local board members of the 223 public TV stations become more active in shaping programs for local audiences. He would like to see public TV producing more that is different from commercial TV.

I suspect Tom Curtis will be around awhile—and busy.

## RESOLUTIONS ADOPTED BY NATIONAL COUNCIL OF THE RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES ON FEBRUARY 16, 1973

Mr. THURMOND. Mr. President, 19 resolutions were adopted at the midwinter conference of the Reserve Officers Association of the United States which met here in Washington last month.

These resolutions deal with the key issues before the Nation's Reserve community and they deserve the attention and consideration of the Congress and the Nation.

A number of the resolutions concern matters which are embodied in legislation now before the Congress. Thus, we all shall find them helpful both from a legislative as well as an informative standpoint.

This meeting was also the occasion for the presentation of the Minuteman of the Year Award to Senator HENRY M. JACKSON of the State of Washington. As a colleague of Senator JACKSON on the Senate Armed Services Committee, I highly endorse this selection.

Resolution 16 extends to Senator JOHN C. STENNIS the best wishes of the association as he makes a remarkable recovery from the very serious wounds inflicted upon him earlier in the year. I know each Member of the Congress joins the ROA in this expression of concern for our colleague.

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

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

RESOLUTION NO. 1: SUPPORT OF THE PRESIDENT IN HIS TERMINATION OF THE VIETNAM CONFLICT

Whereas, the President of the United States is entitled to the gratitude and approbation of all Americans for his successful effort to terminate hostilities in Vietnam and restore our POW–MIAS to their rightful heritage, and

Whereas, on the difficult four year path to an honorable peace he was repeatedly vilified, both at home and abroad,

Now therefore be it resolved that the Reserve Officers Association of the United States salute him for his strength of character and fortitude in achieving this honorable goal.

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RESOLUTION NO. 2: REFUSAL OF A GENERAL AMNESTY FOR DRAFT DODGERS AND MILITARY DESERTERS

Whereas, there continues an effort by some individual citizens and newly organized groups to obtain a general amnesty for those American citizens, or former citizens who have shirked their duty, fleeing either to avoid induction into the United States Armed Forces, or deserting the Armed Forces and taking sanctuary in foreign countries, and

Whereas, after a long and cruel war in which many thousands of our fellow countrymen gave their lives, many thousands more were wounded and millions served and survived, all in faithful and dutiful response to the call to service of their government in the continuing commitment to freedom and security, and

Whereas, the President of the United States and many other citizens in public and private life have asserted that these draft dodgers and deserters must pay the legal penalty for refusing to serve their government and taking flight to evade the responsibility which is every citizen's,

Now therefore be it resolved that the Reserve Officers Association of the United States reconfirm its stand against any general amnesty, support the Commander-in-Chief in his stated position and while praising those who have served during these past ten years and who are serving today, condemn the action of those who have failed their government which gives and preserves for all citizens their freedom.

RESOLUTION NO. 3: EXTENDING COMPASSIONATE AID TO RETURNING POW'S AND THEIR FAMILIES

Whereas, the United States has been involved in a military conflict in Southeast Asia, defending the principles of freedom for which our nation was founded, and

Whereas, this armed conflict has caused many Americans to be captured and held as prisoners of war, and

Whereas, families, other loved ones, and these prisoners have lived in the teetering balance of uncertainty, but many have now been brought home and happily reunited with their families,

Now therefore be it resolved that the Reserve Officers Association of the United States commends the representatives of our government in obtaining release of the prisoners of war, and

Be it further resolved that the Reserve Officers Association urge the widespread support of any and all programs designed to rehabilitate these prisoners of war and aid their families, and

Be it still further resolved that the Reserve Officers Association commends these prisoners of war for the valiant and patriotic manner in which they have served their country and the Free World, that we compliment the families of these men for their patriotic resolution to cooperate with and support their government and that all ROA departments, chapters, and individual members initiate and carry forward and encourage programs of compassionate rehabilitation of these returning men.

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RESOLUTION NO. 4: PETITION TO SUPREME COURT TO PERMIT ROA TO FILE BRIEF IN CASE TO DETERMINE RIGHT OF CONGRESSMEN TO HOLD RESERVE COMMISSIONS

Whereas, the decision of the United States District Court for the District of Columbia in the case of *Reservists Committee to Stop the War. v. Laird, 323 F. Supp. 833,* held that the Constitution bars members of Congress from holding commissions in the Armed Forces Reserves, and

Whereas, such decision was further affirmed by the United States Court of Appeals for the District of Columbia Circuit, and

Whereas, the Reserve Officers Assocation of the United States by resolution at its 1971 Convention urged appeal of these decisions, and

Whereas, this vital issue has now been appealed to the United States Supreme Court, and

Whereas, the Reserve Officers Association is committed to the concept of the citizen-soldier and believe that members of Congress who voluntarily continue their activity as military Reservists should be honored for this "twice the citizen" patriotic commitment, and

Whereas, the participation of Congressmen in military reserve activities helps insure the Constitutional mandate of civilian control over the Armed Forces,

Now therefore be it resolved that the Reserve Officers Association of the United States petition the Supreme Court of the United States for permission to file an *amicus curiae* (friend of the court) brief in the case of *Reservists Committee to Stop the War. v. Laird* in support of the right of members of Congress to hold active commissions in the Armed Forces Reserves.

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RESOLUTION NO. 5: URGING A WIDOW'S EQUITY IN RESERVISTS RETIREMENT PAY

Whereas, the military retirement system discriminates against Reservists who have no standing in the system until they reach age 60, no matter how long and honorable may have been their service, and

Whereas, wives of Reservists contribute substantially to the Reserve programs

through their encouragement of their husbands attending Reserve training and other Reserve activities, and

Whereas, there are no survivor benefits for the Reservists who "die too soon", i.e. before reaching the age of 60.

Now therefore be it resolved that the Reserve Officers Association of the United States urge the Congress to enact necessary legislation to establish a Survivor Benefit Plan for Reservists who are qualified for Retirement pay by every standard except age.

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RESOLUTION NO. 6: EQUALIZATION OF RIGHTS

Whereas, Title 10, United States Code, authorizes the enlistment and commissioning of female persons in the Regular and Reserve components of the Armed Forces of the United States, and

Whereas, Title 14, United States Code, Section 762, authorizes the enlistment and commissioning of female persons in a component of the United States Coast Guard Reserve known as the Womens Reserve, and

Whereas, the United States Coast Guard and the United States Coast Guard Reserve do not now enlist or commission female members into the Regular or Reserve components under the authority contained in Title 10, United States Code,

Now Therefore Be it Resolved that the Reserve Officers Association of the United States urge the Congress of the United States to enact legislation that will expunge the present discriminatory statutory provisions establishing a separate Womens Reserve of the United States Coast Guard Reserve, and

Be It Further Resolved that the Reserve Officers Association of the United States urge the Secretary of Transportation and the Commandant of the United States Coast Guard to revise present policy and regulations and enlist and commission female members of the United States Coast Guard Reserve as required under the provisions of Title 10, United States Code.

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RESOLUTION NO. 7: MEDICAL SERVICES FOR THE U.S. COAST GUARD

Whereas, the United States Coast Guard must have adequate medical services for accomplishment of its missions in war and peace, and

Whereas, medical service is provided by the Uniform Service of the United States Public Health Service, and

Whereas, current United States Public Health Service programming has inactivated its Reserve Division, and the Coast Guard, Regular and Reserve, will lose its medical support, and

Whereas, a small number of United States Public Health Service Reserve Officers serve with Coast Guard ORTU's, maintain Coast Guard moblization billets, perform ACDUTRA, attend drills and stand ready with reserve line officers for civil disaster or national emergency mobilizations, and

Whereas, Coast Guard mobilization has an overriding requirement for trained medical personnel to man medical billets afloat and ashore, and

Whereas, the Coast Guard Reserve's revised peacetime mission now embraces an augmentation concept including participation in routine duties of the Regular Coast Guard and mobilization for domestic emergencies providing for active duty call-ups of Reservists in these exigencies, wherein medical personnel will be needed,

Now therefore be it resolved that the Reserve Officers Association for the United States urge provision of medical support for the Coast Guard Reserve in performing its training and mobilization missions in peace and war.

RESOLUTION NO. 8: RECRUITING PROGRAMS FOR THE ARMED SERVICES

Whereas, the strength and quality of the Armed Forces of the United States, Reserve and regular today are totally dependent on the effectiveness of the recruiting services in enrolling men and women for voluntary service, and

Whereas, the objective of our Association is to work for a "military policy for the United States that will provide adequate national security",

Now therefore be it resolved that the Reserve Officers Association of the United States shall dedicate itself to encouraging and supporting by every means the men and women who work in the recruiting programs; and to encourage the youth of America to understand and accept their obligation as citizens to share in national defense.

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RESOLUTION NO. 9: EMPLOYER SUPPORT OF THE NATIONAL GUARD AND RESERVES

Whereas, the Department of Defense has created a national committee for employer support of our National Guard and Reserve forces under the chairmanship of Mr. James M. Roche, a retired chairman of the Board of General Motors Corporation, and

Whereas, the Reserve Officers Association concurs in the mission of this committee and feels that there is considerable apathy in this area, and

Whereas, the Reserve Officers Association feels that employers, both public and private, should be positively encouraged to actively support membership by employees in National Guard and Reserve units,

Now therefore be it resolved that the Reserve Officers Association of the United States offers its active support in the activities of this committee and recommends that the committee furnish chapters with an outline of the type of support which the local chapter can provide to the committee's local representative.

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RESOLUTION NO. 10: SELECTIVE SERVICE STRENGTH

Whereas, the Selective Service Reserve is composed of members of the Reserve components of all the Armed Forces, approximately in proportion to the size of each Armed Force, and

Whereas, the reduction of the size of this composite Reserve from an authorized strength of 1452 officers to 850 officers, was begun under the previous Director of the Selective Service System and is now the policy of the Selective Service System, and

Whereas, the Selective Service Reserve is the statutory mobilization force of the Selective Service System, and

Whereas, the reduction in strength now being put into effect is unusually heavy, and

Whereas, concern has been expressed that an even further reduction below the 850 figure may occur, and

Whereas, the make up of the permanent staff of the Selective Service System is and has been a deliberate mixture of civilian and military personnel in order to best serve the concepts of democracy, and

Whereas, it is now reported that by July 1973 with only a few exceptions all active duty military personnel will be converted to a civilian status or eliminated from the permanent staff of the Selective Service,

Now therefore be it resolved by the Reserve Officers Association of the United States that legislative, or other appropriate action be taken to halt any further reduction in the size of this critical Reserve program, and

Be it further resolved that like action be taken to retain an appropriate mix of civilian and military personnel in the permanent staff of the System.

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RESOLUTION NO. 11: REDUCTION IN PERSONNEL FUNDS NONFLYING AF RESERVE UNITS

Whereas, the Military Appropriations Subcommittee, House of Representatives, reduced the AF Reserve, Personnel appropriation for Fiscal Year 1973 by $7.9 million, and

Whereas, the subcommittee applied $6 million of that reduction to non-flying units of the Air Force Reserve, and

Whereas, previous reductions in such appropriations have allowed the Air Force to adjust the reductions in all programs of the Air Force Reserve in a manner to minimize the deleterious impact of such reduction, and

Whereas, this action will require the Air Force either to eliminate a number of nonflying units or reduce them from Pay Group A (48 paid drills per annum) to Pay Group B (24 paid drills per annum), and

Whereas, this action will greatly impede the training and preparedness of these units, and

Whereas, a reduction to Pay Group B will add greatly to an already burdensome recruitment effort in the all-volunteer environment,

Now therefore be it resolved that the Reserve Officers Association of the United States exert every effort to remove this fiscal restriction on AF Reserve non-flying units in order that these units may maintain their recruiting capability and training capacity, thus retaining their readiness to support our national security.

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RESOLUTION NO. 12: REDUCED FARE ON COMMERCIAL AIRLINES—READY RESERVISTS TRAVELING TO RESERVE DUTY AT THEIR OWN EXPENSE

Whereas, there are many members of the Ready Reserve who have inactive duty assignment locations at considerable distance from their places of residence, and

Whereas, except for their annual active duty training period or for special tours of active duty they are not authorized reimbursement for travel to and from their inactive duty training assignment location, and

Whereas, many such Reservists in order to perform their inactive duty training requirements find commercial air travel to be the only expeditious and appropriate means of travel, and

Whereas, this means a considerable personal financial sacrifice to the individual concerned, and

Whereas, this inactive duty training is necessary and beneficial to our national security, and

Whereas, the benefit of reduced fare commercial air travel is a necessary added incentive towards recruitment and retention of personnel in the Ready Reserve,

Now therefore be it resolved by the Reserve Officers Association of the United States that the Secretary of Defense be requested to seek reduced fare commercial air travel for Ready Reservists traveling at their own expense, in uniform, to and from their home and place of inactive duty training.

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RESOLUTION NO. 13: EDUCATIONAL ASSISTANCE FOR PARTICIPANTS IN THE SELECTED RESERVE

Whereas, there is an enlistment/reenlistment crisis among enlisted grades in the Reserve components of the Armed Forces, and

Whereas, study and surveys have shown that an educational assistance program for members of the Selected Reserve would be a positive incentive for recruitment and retention, and

Whereas, there has previously been submitted a legislative proposal to provide an enlistment/reenlistment bonus to encourage participation in the Selected Reserve,

Now therefore be it resolved that the Reserve Officers Association of the United States lends its vigorous support to the early enactment by the Congress of an educational assistance allowance as presently authorized for the regular Forces in addition to an enlistment/reenlistment bonus and other incentives previously advocated by this Association.

RESOLUTION No. 14: SUPPORT OF JUNIOR ROTC SUMMER CAMPS

Whereas, the Junior ROTC Program teaches the high school student to be self-reliant, assists in the development of his self-discipline, and of his inherent leadership potential, encourages participation in worthwhile community activities, and provides an introduction to military training which will be of benefit to himself and our nation, if he is called upon to serve in her Armed Forces, and

Whereas, many of the events offering opportunities to the cadets for the practice of leadership, self-discipline, and concerned citizenship, occur when these are added by local school systems as extracurricular activities, and

Whereas, while the Department of Defense issues equipment to support the normal program and permits its use for these extracurricular activities, they prohibit the expenditures of any additional funds or issue of additional equipment to support them, and

Whereas, the support of *Junior ROTC summer camps*, weekend field problems on map reading, tactics and marksmanship, participation in community activities and other worthwhile events will provide a greater opportunity for beneficial leadership and citizenship training for the Junior ROTC Cadets,

Now therefore be it resolved that the Reserve Officers Association of the United States ask the Services to give full support to the Junior ROTC program; and that the Secretary of Defense authorize the establishment of summer camps with JROTC students at the appropriate military installations with manpower support to be chiefly derived from the Reserve Components.

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RESOLUTION No. 15: AWARD OF THE GOOD CONDUCT MEDAL TO ENLISTED MEMBERS OF THE RESERVE COMPONENTS

Whereas, many enlisted men perform outstandingly in the Reserves during their term of enlistment and there is no appropriate award for their service such as the Good Conduct Medal for the active establishment, and

Whereas, the availability of such an award would assist in the retention of deserving enlisted Reservists,

Now therefore be it resolved that the Reserve Officers Association of the United States urges military services where applicable to modify existing regulations so as to permit the award of the Good Conduct Medal to deserving Reserve enlisted personnel.

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RESOLUTION No. 16: TO EXTEND BEST WISHES TO SENATOR JOHN C. STENNIS

Whereas, Senator John C. Stennis has so ably served as Chairman of the Senate Preparedness Committee and is presently serving as the Chairman of the Senate Armed Services Committee, and

Whereas, Senator Stennis has continually maintained a close relationship with the various branches of the service and their Reserve components, furthering the Total Force Concept, and

Whereas Senator Stennis has maintained an awareness of our Association's objective of national security, and

Whereas, Senator Stennis lies in serious condition in the hospital as a result of wounds inflicted by bandits, and

Whereas, doctors have reported that because of his vitality and resolute character, Senator Stennis's condition is improving,

Now therefore be it resolved that the members of the Reserve Officers Association of the United States express their affection and admiration for Senator Stennis, that they convey their fervent gratitude that he is recovering, and that each member severally and together join in prayer for his complete and rapid recovery and extend our sincere best wishes to his wife and family.

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RESOLUTION No. 17: TO DESIGNATE THE "HARRY S TRUMAN SUITE" IN THE MINUTE MAN MEMORIAL BUILDING AND TO PLACE A MEMORIAL IN THE TRUMAN LIBRARY

Whereas, more than a half century ago the Honorable Harry S Truman, an officer in the American Expeditionary Force in World War I, organized in Kansas City, Missouri Chapter No. 1 of the Reserve Officers Association of the United States, and

Whereas, Harry S Truman, throughout the subsequent years of his life, including those when he was United States Senator and later Vice President and then President of the United States and Commander-in-Chief of the nation's Armed Forces, gave most meaningful and timely support to this Association, and

Whereas, this support, leadership, and inspiration have been indescribably helpful in the Association's growth,

Now therefore be it resolved that the Reserve Officers Association of the United States do publicly proclaim its perpetual debt and gratitude to Harry S Truman, and do designate the National President's office suite in the Minute Man Memorial Building as the "Harry S Truman Suite", and

Be it further resolved that the Reserve Officers Association of the United States, its departments and chapters join together to secure through Missouri Chapter No. 1, Kansas City, a suitable memorial recognizing the Honorable Harry S Truman as a founder of the Association and that said memorial be presented to the Harry S Truman Library and Museum for appropriate display.

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RESOLUTION No. 18: TRIBUTE TO THE MEMORY OF COMMANDER-IN-CHIEF, LYNDON BAINES JOHNSON

Whereas, the Honorable Lyndon Baines Johnson, as member of the House of Representatives, United States Senator, Vice President and President of the United States and Commander-in-Chief of the Armed Forces, was a member of this Association, and

Whereas, as a member of House and Senate Armed Services Committees and Chairman of the Subcommittee on Preparedness, he gave meaningful support to many programs and legislative acts which strengthened the Armed Services, and

Whereas, as Commander-in-Chief he pursued policies conceived to keep this nation safe and secure, and that he remained courageously resolute in his policies despite bitter and unwarranted pressures and attacks, and

Whereas, he frequently expressed his awareness of our Association's understanding of and support for national security policies,

Now therefore be it resolved that the members of the Reserve Officers Association of the United States express their sorrow over his passing on 22 January 1973 and convey to his widow and family their deep compassion and pride in the place he earned in history and their affectionate recollection of his service to this nation.

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RESOLUTION No. 19: ASSIGNMENT OF OPERATIONAL CONTROL OF NAVAL RESERVE SHIPS TO THE CHIEF OF NAVAL RESERVE

Whereas, the Secretary of the Navy has established a Chief of Naval Reserve who commands both the Surface and Air components and has control of the aircraft assigned to the Naval Air Reserve, and

Whereas, the Naval Reserve ships not only train their Reserve crews, but also train a substantial number of personnel assigned to the Naval Reserve Surface units, and

Whereas, the assignment of operational control of Naval Reserve ships to the Type Commander has not proved to be as effective as was a past and different assignment of operational control, and

Whereas, the coordination of training assignments of Naval Reservists to these ships is best accomplished by the Commander, Naval Surface Reserve under the direction and control of the Chief of Naval Reserve, and

Whereas, the proper conduct of training of Naval Reservists requires that such training be accomplished aboard ship, the operational control of which is not hindered by fragmentation of the responsibility for control of training, and

Whereas, operational control of such ships in Commander, Naval Surface Reserve would not detract from the effective utilization of such ships by the Commanders in Chief, as needed,

Now therefore be it resolved that the Reserve Officers Association of the United States request the Secretary of the Navy to direct assignment of operational control of Naval Reserve ships to the Chief of Naval Reserve.

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## THE CLEAN AIR ACT OF 1970 AND TRANSPORTATION

Mr. BAKER. Mr. President, the EPA this week began a series of hearings to consider the renewed request by American auto makers for a 1-year suspension of the 1975 deadline for meeting the emission standards laid down in the Clean Air Act of 1970. EPA Administrator William D. Ruckelshaus has the authority under that statute to grant the suspension if he finds that it would be in the public interest to do so. It is a tough question and the resolution of this problem will affect us all for years to come.

In this context, I think my colleagues would be interested in some recent remarks of Mr. Ruckelshaus and other EPA officials on the automobile and its role in American life. In an address before the California Newspaper Publishers Association in San Francisco last month, Mr. Ruckelshaus laid it on the line and made what seems to me to be good sense:

The goal of the Clean Air Act is indisputably a good one—the protection of health. The people of California—speaking through their Senators and Representatives—overwhelmingly supported the aims and purposes of the Act. The question now is whether we are serious enough about having clean air to make some rather severe choices. We will hold public hearings beginning March 5 to find out from the people of Los Angeles what they want to do to solve their problem.

The issue is not simply clean air versus dirty air, but how and at what pace to achieve clean air. We must balance the benefits of achieving healthy air within a certain time frame against the social costs. The benefits are undeniable. But if the price is a severely crippled city then it may be necessary to stretch out the time for compliance.

We are intensively examining the alternatives in Los Angeles in order to provide the maximum number of choices that technology permits. However, the final answer should not be dictated by EPA. It should be resolved by the people of that community after judiciously examining every rational choice they have. Only the people can decide, ultimately, what kind of a community, what kind of society they really want.

Until now the average citizen hasn't had the foggiest notion of what choices were available or, indeed, that there were any. It would be a shame if this debate were to be clouded by emotionalism or demogoguery. If we keep our heads we can exploit what is really an historic opportunity to raise fundamental questions about the direction and future quality of our civilization.

If the people are to make reasoned choices they must have information to guide them and newspapers are the ideal medium for this task. Don't be satisfied with reporting what others are saying. Become activists; propose solutions. These proposals should be mind-stretching exercises. All of us, all too often, are guilty of proposing yesterday's solution for tomorrow's problem. Give me hell whenever you think it's needed. I promise I won't cancel any subscriptions.

In an address in January 24, 1973, before the Highway Research Board, Bill Ruckelshaus said:

The image of the open road which has beckoned us for generations may become an illusion if we do not act. Instead of being pathways to adventure and fresh opportunity, many thoroughfares frustrate our movements and aggravate social tensions. Too often they isolate and destroy neighborhoods. Too often they envelop us in the monotony and choking fumes of stalled traffic.

If we reconsider the circumstances of highways today, if we design them to enhance the land rather than to scar it—then tomorrow we can insure that automotive travel remains pleasant and convenient. We can write a new chapter in the history of the open road. We can use highways to foster civic amenity and personal growth.

We must never turn from this goal.

Also of interest is a speech by EPA's Assistant Administrator for Air and Water Programs, Robert L. Sansom, entitled "The Automobile as a Social Machine." The net effect, I think, is to put a lot of popular fallacies to rest and put the problems in perspective.

Mr. President, I ask unanimous consent to have the full text of these three useful speeches appear in today's RECORD. They are worth reading.

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

TRANSPORTATION CONTROLS—A WAY TO AIR QUALITY

(By William D. Ruckleshaus)

There has been considerable commentary, some criticism, and a good bit of confusion about the transportation controls which I proposed to enable the Los Angeles area meet the requirements of the Clean Air Act.

Many people have remarked that I just couldn't have been serious in proposing up to an 80 percent cut in driving for half a year in the most automobile oriented city in the world. Looking at the proposal in context, I think you will see that it is not a case of shooting from the hip.

As a result of a suit filed last summer by the City of Riverside I was under a court order to present by January 15 a plan of transportation controls which would achieve the Federal photochemical oxidant standards in the Los Angeles Basin. As a lawyer I am constitutionally incapable of responding to any court order in a manner which might be construed as either frivolous or contemptuous.

The proposal we offered was the only one we could come up with in the time available that would demonstrably achieve that standard by the statutory deadline.

We considered several alternatives but in order to achieve the standard, vehicle miles travelled must be reduced drastically. While the plan is technically feasible, I don't need anyone to tell me that its strict implementation would probably make Los Angeles an unviable community.

At this point I think it might be helpful to go over the brief history of the Clean Air Act of 1970. The law directed the EPA Administrator to set, by April 1971, ambient air quality standards for the nation. We had to set two kinds of standards: primary standards designed to protect human health and secondary standards which, broadly speaking, were to protect against adverse effects on human welfare. The primary standards were to be met by May 31, 1975 and the secondary standards a reasonable time thereafter.

In January 1972—nine months after the standards were announced—the States filed with EPA their plans for achieving the standards by the target dates. The law required the States to include as part of their plans a strategy to control transportation if necessary to assist in meeting the standards.

While transportation controls were obviously a factor in any air quality control program, we just didn't know enough in the summer of 1971 about their workability to require the States to include such proposals in their January 1972 filings. Accordingly, we extended the date for filing transportation control strategies until February 15, 1973.

At the same time we initiated several studies of the potential of transportation controls. These studies were published last November and sent to the States to provide some guidance. The studies do not necessarily reflect EPA's views since they are as new to us as to the States. But, at the moment, they are all we have. Transportation strategies include restraints on motor vehicle use, gaseous fuel systems, traffic flow techniques, inspection and maintainance programs, retrofitting older vehicles, improved public transit, work schedule changes and land-use controls.

The Clean Air Act permits a two-year extension for meeting the primary standards and we had granted 17 States that extension. Just last week a Federal court ordered these extensions rescinded. The court didn't say the extensions shouldn't be granted, rather agreed with the plaintiffs that we acted prematurely.

Accordingly each State erroneously granted an extension, has until April 15 to renew its request. I am to rule on these filings by June 15.

It is important to note that in setting the primary standards the law did not permit us to consider any other criteria except public health. And the levels we set had to cover the class of people most susceptible to a given air pollutant. The requirement in the law is for a zero health effect.

A few years ago an opinion poll was conducted to gauge people's attitudes about the automobile. Noting the air pollution, noise and congestion caused by the automobile, the displacement of tens of thousands of homes and businesses by highways, the destruction of natural beauty, and, most importantly, the nearly two million deaths and tens of millions of injuries during this century, people were asked: "Is it worth it?"

Eighty-five percent responded with an enthusiastic and unqualified "yes." Obviously a large majority of Americans are willing to accept some risk to their health in order to preserve their automobility. The Clean Air Act does not permit this public attitude to extend to any health risk associated with an air pollutant. It is a delicate public question which Los Angeles poses in stark terms. We will undoubtedly hear more of this debate in the future.

The oxidant standards—0.08 parts per million—is the critical one for Los Angeles. This is the level we felt was necessary to meet the statutory requirement to provide a margin of safety to protect the most vulnerable class of people—those with respiratory difficulties. California's own oxidant standard is 0.1 parts per million, a level at which the State considers health begins to be affected.

It would be a serious mistake to think that we took an extreme stand in Los Angeles in an attempt to scare people into believing that the Clean Air Act is bad. It's not. It's basically a good law. We're simply saying that this is what may happen when the law is strictly applied in this community. It may be that there is a need to refine the law to smooth out any distortions in its application. This would basically involve giving the Administrator of EPA more flexibility in administering the act.

Los Angeles has 10 million people, six million cars and about one bus for every 6,000 people. This extremely large and concentrated population and their overwhelming dependence on the automobile, coupled with the city's highly adverse meteorological conditions and the lack of a single urban center, makes it unique among our cities. There may be other cities which will have to use transportation controls to meet air quality standards but nowhere except Los Angeles will such drastic steps as outlined be required.

Each year more and more new automobiles come onto the road with better emission control devices. But it takes about ten years for a particular model year to be phased out. If the 1975 models have the ultimate in control devices it won't be until 1984 that nearly all cars on the road will be so equipped. Yet the law says the air quality standards must be met by mid-1977 at the latest. There is very little flexibility under the Act. If there were more I might have come to a different conclusion about Los Angeles.

All of you are familiar with administrative agencies; they always want more flexibility. In passing the Clean Air Act Congress deliberately made it inflexible because it was—and with some justification—frustrated over the lack of progress made by administrative agencies in the past at all levels of government.

Deadline is the name of the game in the newspaper business. It has always seemed miraculous to me that you are able to pull together something as complex as a newspaper and meet strict deadlines not only every day, but several times a day. Deadlines are second nature to you. And you probably aren't as effective without one. How many of you, for instance, tackle personal chores with the same alacrity as your professional ones?

We have all been witnesses to seemingly impossible tasks accomplished by the people of this country once they rolled up their sleeves and went to work. Procrastination, not sloth, is our affliction.

Deadlines do force action. The common plaint about the auto emissions control requirements is that the law doesn't allow enough time to develop practical control devices. Well, the automobile had been around for about 60 years and the manufacturers did little about emissions control until California and then the Federal government forced them into it.

The hazard in setting deadlines is crossing the line between incentive and despair. If a deadline is obviously unreasonable the usual reaction is "what the hell, why even try." To make deadlines an effective enforcement tool it is paramount that we find out what can reasonably be done and then strictly adhere to it.

I think we do need some flexibility in the Clean Air Act; enough flexibility to effect appropriate strategies for Los Angeles and any other communities that get into the same bind. But we have to be very specific about what that flexibility should be.

The goal of the Clean Air Act is indisputably a good one—the protection of health. The people of California—speaking through

their Senators and Representatives—overwhelmingly supported the aims and purposes of the Act. The question now is whether we are serious enough about having clean air to make some rather severe choices. We will hold public hearings beginning March 5 to find out from the people of Los Angeles what they want to do to solve their problem.

The issue is not simply clean air versus dirty air, but how and at what pace to achieve clean air. We must balance the benefits of achieving healthy air within a certain time frame against the social costs. The benefits are undeniable. But if the price is a severely crippled city then it may be necessary to stretch out the time for compliance.

We are intensively examining the alternatives in Los Angeles in order to provide the maximum number of choices that technology permits. However, the final answer should not be dictated by EPA. It should be resolved by the people of that community after judiciously examining every rational choice they have. Only the people can decide, ultimately, what kind of a community, what kind of society they really want.

Until now the average citizen hasn't had the foggiest notion of what choices were available or, indeed, that there were any. It should be a shame if this debate were to be clouded by emotionalism or demagoguery. If we keep our heads we can exploit what is really a historic opportunity to raise fundamental questions about the direction and future quality of our civilization.

If the people are to make reasoned choices they must have information to guide them and newspapers are the ideal medium for this task. Don't be satisfied with reporting what others are saying. Become activists; propose solutions. These proposals should be mind-stretching exercises. All of us, all too often, are guilty of proposing yesterday's solution for tomorrow's problem. Give me hell whenever you think its needed. I promise I won't cancel any subscriptions.

In 1968 the citizens of Los Angeles voted down a $2.5 billion bond issue for a rail transit system. Had it been passed the 1977 restrictions on automobile travel would probably be less severe. Did the newspapers in southern California do a good job of informing the public about the possible consequences of the vote? I don't know, perhaps they did.

Ironically, Los Angeles owes its urban sprawl to rapid transit and not the automobile. Fifty years ago Los Angeles had perhaps the finest interurban rail transit system in the world—nearly 1,000 miles of track ranging out 60 miles. Then, about 1930, someone made a mistake. Instead of taking highways over or under the transit lines the right-of-way at transit grade crossings were given to the automobile. With the trolley's speed advantage wiped out, patronage dissolved and the tracks were ripped up.

The Los Angeles City Fathers in the Thirties did what they thought was best in the light of the knowledge then available. Our best approach today is to try and move forward and find solutions to the problems that have arisen rather than trying to assign blame for the past.

A serious and intelligent investigation of mass transit is very badly needed in Los Angeles today. Buses are the obvious short-term response; you can't build a rail system overnight. But for a city the size of Los Angeles, particularly given its geography and meteorology, the longterm answer probably will have to include some rail transit. The steel wheel on a steel rail is still the most energy efficient means of moving large numbers of people.

The BART system here in San Francisco is the first new rail transit system built in this country in this century. In Washington the METRO is well under construction. We hope to have enough of it in operation in 1976 to make it a showcase for the Nation's 200th birthday celebration. In Atlanta the third new rail system in this country has been given a green light by the voters.

Our neighbors have gotten a jump on us in modern systems. Montreal and Toronto have new subways which have generated strong public patronage. Mexico City has built, in something like two and a half years, a 42-mile, rubber-tired subway system that is fast, safe, efficient and quiet. The technological superpower is going to have to play catch-up.

I'm not suggesting that rail transit is the answer to every city's problem. It's not. For most cities it will be buses and even where rail transit provides the backbone, buses will be needed to flesh out the system.

With sufficient funding, mass transit could be deliberately employed as a major element in designing more effective cities. As a matter of social justice we should provide public transportation for the 25 percent of our citizens who are old, poor, handicapped or under 16. We should realize that not everyone can afford a car; that not everyone wants to drive; and that no one needs to drive everywhere all the time.

Physical isolation—the inability to get to a doctor, to a store or a job, or to get cross-town to visit friends or family—has been suggested as a major factor in urban unrest. For our own social development we need means of transportation that bring people into contact with each other rather than moving them individually wrapped in steel boxes.

I'm not anti-automobile. Far from it. The automobile has a secure place in the American transportation system. It has made us the most mobile people in human history. And, on balance, I'm convinced that has been for the better. But I am equally convinced that in the coming years the individual's assurance of instant automobility must be weighed against other community and personal values—the need for quiet, diversity, beauty, clean air, bright skies, stable neighborhoods, parks and recreational areas. We should compare what mobility affords us with the things it compells us to forego.

An integrated transportation system speeding Americans to work and providing access to leisure-time activities, providing a road to opportunity, insuring rational land-use and protecting our heritage of natural beauty—such a system will not come about automatically.

We are going to have to work for it. It will not happen at all unless we develop a sense of urgency and plan how to bring it about step by step over the next 50 years.

It is a truth of human nature that necessary changes are actively desired only when they are seen as really possible. It is our job—and, truthfully, more yours than mine—to make long-range environmental planning respectable and thereby possible within a democratic framework.

Newspaper help shape public opinion and channel public action. You can provide to the American people the knowledge that will give them the confidence they need to control their own destiny.

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SPEECH BY WILLIAM D. RUCKELSHAUS

From the end of the first World War until the late 1960's one major principle shaped the topography of America—the principle of automobility. Few prophets of a half-century ago could have envisioned today's urban and rural highway network with its multitude of feeder routes. Some predicted the convenience and added mobility but few foresaw the problems it would generate as well.

This 52nd annual conference is therefore not only timely, but urgent, for a very necessary reconsideration of the functioning of our highways has begun. They are no longer evaluated solely in terms of how well they facilitate movement, but by how they meet a broad range of social criteria.

It seems obvious to me that no road will ever again be built without considering its effect on the health and comfort of the people it serves, or without sober calculation of its total impact on the stability of the community over a period of years. Once a major thoroughfare has been constructed we must live with its consequences for generations.

In other words, highways today are not less important but more so, and their social significance is now widely recognized. The main task then is to emplace highways in such a manner that they improve the land rather than spoil it, reduce congestion rather than intensify it, cut pollution instead of adding to it, and save lives instead of taking them.

A major concern in EPA is, of course, air pollution. We have been working closely with DOT over the past year to coordinate our pollution control policies. We have worked with the Federal Highway Administration to make sure that our guidelines for review of impact statements under NEPA are compatible with their procedures and that our regional offices speak with one voice on all such matters.

We have been cooperating with State Highway Departments on specific difficulties, such as I-95 in Philadelphia and I-66 in Arlington, providing suggestions on workable alternatives if it appears likely a given project will generate air pollution exceeding levels permitted under the Clean Air Act. Such alternatives might include fringe parking, express busways traffic limitations and so on.

Our goal is to assist other government agencies, not hit them over the head with sanctimonious pronouncements. Even with the most efficient arrangements, we have a formidable task ahead of us. About 25 Air Quality Control Regions all over the country are considering some curtailment of motor traffic as part of a general strategy to meet the 1975 air standards.

Meanwhile, a Federal district court has ordered EPA to promulgate a specific plan to get Los Angeles and a number of adjacent counties into compliance with the Clean Air Act by 1977. We have proposed curtailing traffic in the affected counties by more than 80% through gas rationing, plus retrofitting pre-1975 cars, converting fleet vehicles to gaseous fuel, and mandating annual inspections.

Our technical consultants are continuing their analysis of the options so that we can modify our requirements, but so far they have found no other way to satisfy the court's demand for certain compliance with the law. We admit the requirements for Los Angeles are draconian; indeed, almost any workable solution there will be if we stick to the letter of the law.

Only the people can decide, ultimately, what kind of community, what kind of overall society they really want.

Until now, the average citizen has not had the foggiest idea of what choices were available to him, or even whether there were any. It would be a shame if this great national debate on transportation were to be clouded by emotionalism or demogoguery. If we keep our heads we can exploit an historic opportunity to raise fundamental questions about the direction and future quality of our civilization.

I believe we are heading into an era when highways will become part of a fully integrated transportation system for the United States. I know that has been your concern for the last several years, and it is the official policy of the Department of Transportation. Indeed, highway experts must participate in this intermodal, ecologically oriented kind of mobility.

Planning in advance to control the social effects of automotive technology is now es-

sential to avoid disruptive confrontation not only with environmentalists but with ordinary citizens. Confrontation and recrimination over highways have unfortunately become a part of the American scene in recent years.

I don't think anything can be gained by taking an all or nothing, anti-car stance. That's stupid because it denies the hard fact of our reliance upon automotive vehicles. What we must do now, it seems to me, is to pose broader questions: what kind of mobility do we want and for what purposes? When do we need transportation services, where, and in what combination of modes? These are the basic questions our society must persistently ask until we get workable answers based on modern needs.

Pollution control, of course, is only one aspect of the environmental challenge of integrated transportation systems. Even if we could stop all pollution, we would still face a host of car and highway related problems—noise, waste of fuel resources, congestion, urban design, overall quality of the metroplex where most of our people live. I must confess to mixed emotions about solving air pollution problems relating to the automobile. This might well have the unexpected effect of turning citizens' attention from other difficulties with the automobile because they are not quite as obvious.

Take the issue of how to get the best use of our diminishing reserves of cheap fuel, for example. Some have observed that our emission controls will decrease the efficiency of the internal combustion engine, but though controls may increase gas consumption a significant seven percent, vehicle weight and power options are even more serious wasters of fuel.

We have just completed studies which show that air conditioning, for example, reduces gas mileage nine percent on the average and 20 percent on a hot day in urban traffic. Automatic transmission costs another six percent. Steel belted radial tires, however, can *save* 10 percent.

Sheer bulk is the worst offender: an increase of only 500 pounds in car weight (say from 3,000 pounds to 3,500 pounds) can slash mileage from 16.2 miles per gallon down to 14.0 miles per gallon, a drop of 14 percent. A 5,000 pound vehicle consumes 100 percent more gas than its 2,500 pound counterpart.

Let me give you something to think about. A drop from the present average weight of the automobile to a 2,500 pound maximum would reduce total gasoline consumption in 1985 to the projected level for 1975. This would reduce crude oil imports by 2.1 million barrels per day in 1985 and the projected balance of payments deficit by $2.3 billion annually in current prices.

So if fuel reduction is imperative in a time of energy shortages, we should look at the whole range of factors causing a rise in consumption. If intervention is warranted we should control those factors that are least beneficial socially. We might ask, what are the social benefits of weight in cars? Is is necessary as a safety measure or if all cars were small would massiveness be irrelevant? What is more important to this country, air-conditioned cars or clean air?

Let us assume that the use of private automobiles will be curtailed to some extent in some jurisdictions in coming months and years. That leaves us with the responsibility of creating viable systems of public transportation. One way to do this is to tap the highway trust fund: a step the Administration has strongly supported.

This would not mean the end of highways, but rather a recognition that transportation should be viewed as a totality, not as a collection of independent parts. Big and small city mayors have long been calling for more flexibility.

Congress, they say, has on the one hand demanded that we cut pollution back dramatically by 90% but has not thought about where the money is coming from to accomplish this noble objective. There are 5 billion dollars ready and waiting in the Trust Fund to build highways but relatively meager funds are available for anything else. The mayors are crying out "give us a choice".

I am not suggesting that mass transit is the answer everywhere. Los Angeles might spend its trust fund allocations on an extra lane of exclusive busway. But the goal now should be to provide options for those who need them and not insist upon procrustean adherence to obsolete concepts.

With sufficient funding, we could provide buses and commuter trains that are fast, safe, reliable and convenient. Mass transit could be deliberately employed—like housing and the utility infrastructures—as a major element in the design of more efficient cities.

Air-conditioning, express service, attractive interiors, quiet low-emission engines, flexible routes, courteous service, seating arrangements which recognize the importance of "personal space"—these features might lure the suburbanites back to town, where their financial presence, moral commitment and political leadership are vitally needed.

Fast and reliable public transportation would certainly open up suburban light-industrial jobs to inner city residents. Jobs which today go unfilled could be filled by those who need them.

As a matter of social justice, we should restore decent public transportation for the 25% of our citizens who are old, poor, handicapped or under 16. Physical isolation—inability to get to a doctor, a shop, a job or even to a movie house—has been suggested as a major cause of urban unrest.

We should realize that not everyone can afford a car, not everyone wants to drive, and that nobody really wants to drive everywhere all the time. We need more flexibility of choice; we need means of transportation that bring people into contact with each other and not just with machines.

Downtown the worker or shopper should be able to get around in automated, low-speed easy-access people movers of one kind or another, like the one linking the campuses of the University of West Virginia at Morgantown.

In the suburbs we should attempt to modify the system which has made countless wives into chauffeurs for their children, trapped in an endless routine of ferrying the kids back and forth to school, to the dentists, to the scouts and to friends. Perhaps we can look to dial-a-bus, which has already been tried in Haddonfield, New Jersey, or other methods to provide alternatives to those who want them.

A safe, efficient transportation system might do a lot to stem the tide of loneliness, fear and alienation which threaten city life today.

I trust no one in this sophisticated group will take my remarks as an anti-automobile diatribe. Far from it. The automobile has a secure place in the American pantheon. I see no immediate alternative to cars for travel cross-country, between small towns, or in the far exurbs.

Elsewhere, however, we need to create a balanced system of interlocking, complementary modes available to all travelers on a short-wait, brief-layover basis. Unless such service is provided, the shopper and commuter will naturally stick with the automobile even where it is wasteful and counterproductive.

I believe that in coming years the assurance of instant automobility should be weighed against other community and personal values—the need for quiet, diversity, beauty, bright skies, stable neighborhoods, land for parks and recreation, the need to safeguard wilderness and so on. We should compare what mobility affords us with the things it compels us to forego.

The spoliation of the human habitat can be arrested by using transportation—and especially highways—as a major tool in land use and regional planning.

Multiple use of transport corridors must become more common as a means of ensuring that development damages and preempts as little land as possible. Rights of way must be exploited for their full recreational and aesthetic potential. Properly laid down, highways can dramatize and articulate a natural setting; they are not inherently ugly.

When a land-use bill is passed by the Congress, and in my opinion this will happen soon, cities and states will have an incentive to control growth, the options to do it and better means of doing it.

The President has proposed legislation which would provide $100 million during the next five years to help the states assume land-use planning and regulatory authority over the most critical and diminishing of our land assets. The States would be empowered to override local government wherever its land-use decisions would have more than local significance. The President's bill does recognize that the great majority of such decisions are of purely local character and therefore should be made in the community.

What this means in practical terms is that from now on we should have the option of deciding consciously, not by default, what kind of a total environment we really want.

We have always thought of trains, automobiles and aircraft simply as means to move people and goods from one place to another—and seldom acknowledged their impact on communities, or the limits they impose on creating new kinds of communities capable of fulfilling the complex human needs that arise when we move "beyond prosperity."

The integrated transportation system speeding Americans to work and guaranteeing leisure-time access to varied pleasures, providing a road to opportunity from the ghetto to where the jobs are, insuring rational land-use and protecting our heritage of natural beauty and historical sites—such a system will not come about automatically.

It will not happen at all unless we develop a sense of urgency and plan how to bring it about step by step over the next 50 years. We must get started soon if we expect to reach our goal within the span of generations now living.

By acting in time we can avoid the error of an extreme reaction against cars and highways. The Highway Research Board can do a great deal to obviate this reaction and effect the necessary changes. It is a truth of human nature that reform is actively desired only when it is seen as really possible.

It is our job and yours to make long-range environmental planning respectable—and thus possible—within a democratic framework. Then the transportation net can be employed as a positive force to lift the minds and lighten the hearts, improve conditions and broaden the perspectives, of all Americans.

The image of the open road which has beckoned us for generations may become an illusion if we do not act. Instead of being pathways to adventure and fresh opportunity, many thoroughfares frustrate our movements and aggravate social tensions. Too often they isolate and destroy neighborhoods. Too often they envelop us in the monotony and choking fumes of stalled traffic.

If we reconsider the circumstances of highways today, if we design them to enhance the land rather than to scar it—then tomorrow we can insure that automotive travel remains pleasant and convenient. We can write a new chapter in the history of the open road. We can use highways to foster civic amenity and personal growth.

We must never turn from this goal.

REDUCING AUTO EMISSIONS: SOME RELEVANT FACTS

(By Robert L. Sansom)

This is an important conference. We are setting in place the last part of the regulations and policy framework to clean up mobile sources so that ambient air quality standards can be met in 1975 or 1977.

In our progress we have passed at least two major milestones:

The Clean Air Act amendments of 1970; and

The Administrator's decision last April not to extend the 1975 deadline for the auto manufacturers.

Now we approach the third milestone—the implementation of transportation controls—vehicle emissions inspection systems, vehicle modifications, and mass transportation alternatives. These must be implemented in 28 AQCR's in 18 States, by 1977 at the latest. Appropriately, the last part of the framework will be set in place by local and state officials.

Before we embark on the discussions of the next three days, we should take notice of criticisms of our past decisions, of those who question whether we are on the right path. Some of our major periodicals and almost every industry leader has, within the last few months raised serious questions about whether our actions in carrying out the mandates of the Clean Air Act amendments are correct. There is no question that our actions have far-reaching implications, affecting in some form half of the American population who drive the more than 80 million US vehicles. What is our response to these criticisms?

The first issue is whether we have defined the problem correctly. Is the automobile a major polluter?

It is estimated that on a nationwide basis, in 1970, gasoline powered motor vehicles contributed 50% of the hydrocarbons (HC) 70% of the carbon monoxide (CO) and 30% of the nitrogen oxide ($NO_x$) emitted to the air. In many individual cities, however, motor vehicles contributed even more—in the 90% range in some cities. In short, the automobile is the single most important source of these air pollutants in this country. The Clean Air Act of 1970, which mandates that the automobile industry reduce these emissions by at least 90% by 1976 will go far in removing automobiles from the pollution picture.

Some have criticized our goals by comparing the potential for damage from automotive pollutants to potential damage from nonautomotive pollutants:

One critic acknowledges that approximately 40% of man-made pollutants by weight come from the auto but contends CO is only 1/30th to 1/20th as harmful as other pollutants such as $SO_x$.

This type of statement assumes the quantification of all the effects of air pollution on man. All of the harmful effects have yet to be identified, let alone quantified. As for the comparison of CO and $SO_x$, it is true that, for example, calculations can lead one to the conclusion that on a pound-for-pound basis $SO_x$ is potentially more dangerous than CO. A crude way to obtain a relative index of toxicity is to compare the primary standards for each. Although there is no one exposure time common to both pollutants, such comparisons show that the toxicity ratio might range from 8:1 to an upper limit of 30:1, but not above 30:1. But this crude analysis is not sufficient, because until we know what the dangers are beyond the concentrations level in the standard, we can't say whether one pollutant will have a greater impact than another once the standards are exceeded. It does not appear logical to control one pollutant and not another just because the former might be more toxic. They both should be controlled.

Another crticism we hear is that the carbon monoxide blood levels of people in major cities across the country are well below the level at which there is any heath effect.

We are presently co-funding a sampling program to determine the carboxyehemoglobin (COHb) levels of people in major cities throughout the United States. Over 14,000 samples have been taken and the results of the study are now being tabulated. One set of preliminary results shows that the mean COHb level of non-smoking males, ages 39–49, living in Chicago, is 3 percent. Because the carbon monoxide air quality standards are designed to protect against levels in excess of 2 percent COHb, we must reject this criticism. [Incidentally, the levels for smokers are substantially higher at 5 to 7 percent.]

Another criticism of the automobile standards is that natural sources emit more pollutants than automobiles. It has been stated that natural sources emit ten times as much CO worldwide as all industrial and automotive sources combined.

Although this may well be true, it is irrelevant to the problem at hand. Because man concentrates his emissions in metropolitan areas, he is exposed to pollutant concentrations far beyond natural background levels. Because we recognize that natural removal processes exist, our primary goal has not been to eliminate all emissions, but to reduce the density of emissions in all regions to levels such that natural dispersion and removal processes can prevent the buildup of unnaturally high pollutant concentrations.

Yet another type of criticism is to contrast the emissions from the 1975/76 automobiles with emissions from man's other activities. We examined these criticisms with the following results:

We heard that the 1975 standards would result in an automobile that emits as much HC as an average residential yard. We checked this out, only to find that the appropriate comparison would be to a forest (not a yard) at least three orders of magnitude as large as a 40 sq. ft. yard. Again critics have missed the key point: automobiles lead to high contributions of pollution because thousands of them concentrate in small areas, exceeding nature's dispersing and absorptive capacities.

Along this same line, I have heard that if we burn a log in our fireplaces a day we will equal CO allotment for our 1975 car. True. But we could each have a roaring fire all day with a pre-controlled car allotment, and if these fires could be concentrated as automobiles can, we would have a serious pollution problem.

We are also told the 1976 standards are on a daily basis equal in $NO_x$ terms to three gallons heating oil per person.

Our analysis bears out this relationship, but it also shows that the average person consumes a BTU equivalent load of 8 gallon per day for *all* residential uses of fossil fuels. Thus, the 1976 $NO_x$ standards are equivalent to 2.5 times the $NO_x$ emissions from the average person's daily BTU consumption for nontransportation uses.

These criticisms don't stand up to close scrutiny. The automobile is a serious pollution problem.

Nevertheless, we know the automotive standards must stand up to criticism. EPA is fully aware of this requirement. We are willing to change our minds if an error is found. For instance, we found our $NO_x$ measurement techniques could have caused us to overestimate ambient air concentrations and thereby overstate the degree or at least the scope of applications geographically of automotive control required to protect the public health and welfare. As we announced in June, we have undertaken an extensive program using new measurement techniques to either validate our requirements or change them. This brings me to the second major milestone; the Administrator's May decision to deny the auto manufacturers' extension request.

Thus, the question arises, even if these emission goals are desirable, is the technology available to achieve them in 1975 and 1976? One of the most important roles of EPA is to create the regulatory and other incentives for industry to push technology as fast as possible. This is a controversial role. But it is vital. I was one of many economists who was very skeptical of the *Limits to Growth* thesis. It is hardly reasonable to say bad technology grows exponetially while good technology grows linearly. But as critics of this thesis we must ask ourselves, what incentives are there for clean growth? The 1975/76 auto standards are such a regulatory incentive.

The Administrator's May, 1972, decision denying the auto manufacturer's request for an extension was in my view an important impetus to the development of a cleaner internal combustion engine technology.

The rate of technological advance has risen sharply. I am encouraged to see that industry is making progress. Some of the data we have seen indicate that 1975 cars may meet the 1975 standards and consume no more gasoline and be as driveable as cars currently being sold.

We must not blindly pursue technology. We must determine if it be acceptable in terms of cost and energy requirements. What are the facts? Some manufacturers have consistently claimed that the incremental cost of an automobile due to EPA's pollution control efforts will exceed $600. Our estimates show that the increased sticker price of an average US automobile in 1975 should be on the order of $150 to $300 over the price of a comparable 1968 car. This estimate was confirmed by industry testimony before the EPA public hearings in May of this year. It is also clear that the cost will be even lower for cars with four and six cylinder engines. We are confident that these cost increases can be further reduced through continued development, engineering and optimization of the basic systems, as well as through the development of new power systems with inherently better emission characteristics. Even accepting current costs one calculation I have seen that includes both investment and maintenance cost yields a total cost to the consumer in the range of about 40¢ to $1 per week.

Energy consumption is another standard by which this technology has to be judged. And, the question of fuel penalties from emission control devices has also received considerable recent attention in the press. Our research in this area does indicate that on the average current model year vehicles show poorer fuel economy characteristics than did vehicles manufactured before emission control devices were required. Our figures indicate an overall fuel economy decrease from pollution control devices of 7% in 1973 model year vehicles over pre-1968 vehicles. But let's put this 7% into perspective. The automotive industry has indicated that there is a 5–6% fuel penalty associated with the introduction of automatic transmissions.

There is an average of about 9% fuel penalty associated with an automobile air conditioner, but this can range up to 20% in urban driving on hot days. And, factory air conditioning is installed on over 60% of all new cars on the market.

The type of engine used in the automobile is also a significant variable in terms of fuel consumption. The available data on diesel-powered automobiles show a 70% increase in fuel economy over an automobile of the same weight using the gasoline, spark ignited, reciprocating engine which dominates the American market. On the other hand, data available to EPA on the Wankel shows a 35% decrease in fuel economy. The stratified charge engine which is a prototype low emissions engine being developed jointly under Army and EPA funding, shows a 12% increase in fuel economy over the av-

erage 1973 vehicle of similar weight at a significantly lower emission level.

But *the largest impact* on fuel economy is associated with the general industry trend toward heavier vehicles. The fuel economy of the upper and lower bound of vehicle weights commonly found in the U.S. varies by 150%. The average current model 5,000 pound vehicle achieves approximately 10 miles per gallon under simulated urban driving conditions compared to 25 miles per gallon for 2,000 pound vehicles. Thus, the car buyer has a direct and effective method of achieving better fuel economy through his choice of the weight of the vehicle he purchases.

In summary then, we have found some fuel penalty associated with the introduction of pollution control devices. However, this increase is relatively minor when viewed in the light of Detroit's and the consumer's trend toward cars with increased weight, air conditioning, power equipment, automatic transmissions and now the Wankel engine.

With the energy crisis upon us, much can and must be done to minimize energy consumption from mobile sources—sources using about 40% of the petroleum resources in this country. The stratified charge engine, or the diesel, or a shift to smaller cars—all these measures—would have substantial fuel economy advantages. Surely, these alternatives should be at the top of our list of measures to save energy, and an easing of our emission goals at the bottom.

In sum, the evidence available to EPA indicates the technology to meet the 1975 standards is available and can be had at a reasonable cost to the consumer and with energy penalties much less severe than those associated with a broad range of conveniences.

I have reviewed criticisms of the program to remind us as we begin this conference that we must weigh the choices facing us in the area of transportation controls carefully. Our analysis must be as precise as possible and we must weigh social and economic impacts.

During the next three days we will be considering three major transportation control alternatives: Motor Vehicle Modifications, Emissions Inspections, and Transportation System Controls.

Determining the proper mix of these options . . . Determining how they would perform under varying conditions in the various localities . . . Calculating the percent of relief we could expect from each and offsetting beneficial effects against economic costs and social burdens . . . These are the Conference objectives.

Let me briefly examine each option in turn. Vehicle modification appears to be a feasible and readily available alternative open at present.

Emission requirements could be extended to our pre-1968 vehicles and made more stringent on 1968 to 1974 models. Currently, approximately 60% of the nation's automobiles—all those manufactured prior to 1968—have no form of exhaust pollution control device. The possibility of modifying or retrofitting older models has strong appeal in light of the art that, depending upon age and degree of maintenance, they often emit many times more pollution than new models, and that in the next few years they will continue to contribute disproportionately to air degradation.

Retrofit systems have been developed and generally follow a similar approach of combining carburetor and distributor modifications and adjustments, vacuum advance, and raising the engine operating temperature. Catalytic retrofits are also available.

Certainly retrofitting could be an effective short-term solution even though older vehicles are being phased out of use at a rate of approximately 10% per year.

Emission Inspection systems are the second transportation control alternative. Any mechanical device must be maintained. To assure maintenance, as well as identify high emitters, periodic inspection appears to be required. Sections 110 and 210 of the Clean Air Act provide for such inspection if deemed necessary and practicable, and EPA's recent decision on the allowable maintenance on 1975 and later emission control systems assumed reliance on inspection systems.

Further progress toward creation of such a program depends upon satisfactory resolution of such key issues as who will set up and operate the required facilities; which test cycle would be the quickest, cheapest and most accurate; and questions of relative costs, manpower requirements, and implementation items.

Along with vehicle modifications and inspection the third option of transportation systems controls has been advanced as a pollution reduction approach with considerable, and as yet, largely unexplored potential.

Evaluating these claims is considerably more difficult than evaluating modifications hardware, and our knowledge is correspondingly less complete. At present we have a fairly good idea of what the short-run alternatives are, some very gross estimates of their likely effectiveness, a good deal of information on what some of the key variables that influence effectiveness are, and a very poor understanding of the monetary and social costs.

Furthermore, the improvements that can be achieved are likely to vary considerably from city to city, depending on such things as urban structure, the dispersion of origin and distinction points, the extent to which mass transit is already used, etc.

Most non-hardware transportation control alternatives—e.g., higher parking fees—requires mass transit improvements because if auto use is discouraged, alternative transportation will be needed. Leaving aside for the moment coercive means of encouraging mass transit use, the most important mass transit improvement that can be made is to decrease door-to-door travel time. Travel time is a more important determinant of transit ridership than cost. And direct access time may be more important than linehaul time. This means that transit improvement is likely to require not only the use of express bus lanes and the like, but also improved collection and distribution systems.

It may be, however, that to be most effective in reducing emissions, mass transit will have to be associated with vehicular restraints or pricing policies designed to discourage automobile use. Without such measures, it may be that no mass transit system can sufficiently attract enough drivers from their cars to achieve the necessary reduction in auto trips.

Answering questions such as those I have just raised is the purpose of this conference. Local and State officials will labor hard over these issues in the next few months. The public must be involved.

EPA has asked the States requiring transportation controls to submit plans by February 15, 1973. In the next few weeks, we will be issuing guidelines describing what constitutes an acceptable plan, defining maximum feasible technology, and so forth.

While the measures discussed here are the last part of the regulatory framework to be put in place, they are among the first that will impact on the public. We must achieve our air pollution goals. But, we must do so with minimum cost to society. The chief value of this Conference will be in devising ways of accomplishing these objectives.

## THE DIVESTITURE PROCEEDINGS AGAINST EL PASO NATURAL GAS CO.

Mr. MOSS. Mr. President, on March 5, 1973, the Supreme Court of the United States affirmed the orders of the U.S. District Court for the District of Colorado in the divestiture proceedings against El Paso Natural Gas Co. This action by the Supreme Court ends 16 years of litigation resulting from El Paso's acquisition in 1957 of the former Pacific Northwest Pipeline Co., which was found to be a violation of section 7 of the Clayton Antitrust Act. Moreover, this decision now makes possible the creation of an independent, publicly held interstate gas transmission company—called Northwest Pipeline Co.—to serve the needs of the Pacific Northwest with an assured gas supply, and provides all the Western States with a strong independent, new competitor to stimulate the search for new supplies of natural gas.

Importantly, this final action by the Supreme Court also preserves the integrity of the antitrust laws. In 1964, the Court found El Paso guilty of an antitrust violation on the grounds that its acquisition of Pacific Northwest Pipeline Co., substantially reduced competition in the Western States. The Court concluded in its 1964 opinion that—

> If El Paso can absorb Pacific Northwest without violating Section 7 of the Clayton Act, that section has no meaning in the natural gas field.

The Court then went on to order "divestiture without delay." The orders made last summer by the District Court for Colorado, following exhaustive taking of evidence, briefing and argument, were the result of that mandate. The Supreme Court, moreover, has reaffirmed the soundness and appropriateness of that mandate three times since its original 1964 opinion; the most recent occurring only last year.

The plan of divestiture ordered by the District Court and finally approved by the Supreme Court on March 5, lays to rest all questions of the allocation of gas reserves, the financial plan of acquisition, the rollover of debt at old, lower interest rates, the utility assets to be divested, and the selection of the group to purchase control of the new interstate gas transmission company and to provide experienced top management.

All that remains in order to complete the divestiture is negotiation of the fair market value of the assets ordered to be divested and the transfer by the Federal Power Commission of authority to operate the pipeline. These last steps can be completed expeditiously by early Fall of this year. In the meantime, of course, the operation of the pipeline remains uninterrupted. The present operating personnel of the pipeline will become employees of the new Northwest Pipeline Co.

The people of the Pacific Northwest and other Western States have every good reason to be delighted with the Supreme Court's final decision in this most unusual and important antitrust case. For the first time in 16 years, gas consumers will find themselves the bene-

ficiary of active competition, stimulating additional search for gas supplies to serve the western third of the Nation.

In addition, the Court has structured a financially strong new company with capable and experienced management. The group selected by the Court—called the APCO Group—provides a union of comprehensive experience and demonstrated ability in all aspects of the natural gas business—exploration, development, transportation and marketing. As a result, the present service to the Pacific Northwest will not only remain uninterrupted, but its future will be protected.

Of great importance is the fact that, as a result of divestiture, the new company will rank first in the Nation in reserve life index. Reserve life index is the ratio of gas reserves to current annual production of gas and reflects the ability of the new Northwest Pipeline Co. to fulfill its market demands from existing gas supplies. The Northwest Pipeline Co. will also rank fourth in the Nation in total gas reserves as a result of divestiture. The new company will have assets of approximately $300 million, which will place it about midway in financial strength among the 35 major gas transmission companies in the United States. Certainly, these facts alone justify the 15-year crusade by the Department of Justice, and they reaffirm the basic soundness of the public-interest concerns underlying our antitrust laws.

Mr. President, I believe that this decision by the Supreme Court, preserving the integrity and the strength of our antitrust laws, comes at an important time, when the adequacy of the energy supplies of this country are in doubt and the need for competition for new supplies is greater than ever. I ask unanimous consent that an article appearing in The New York Times on March 6, 1973, reporting the significance of this decision, be placed in the RECORD.

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

HIGH COURT AFFIRMS EL PASO DIVESTITURE; 15-YEAR FIGHT ENDS

(By Warren Weaver Jr.)

WASHINGTON, March 5.—The Supreme Court approved today a plan under which the El Paso Natural Gas Company must divest itself of $290-million worth of energy resources, property and pipelines to form a new utility in the Pacific Northwest.

The decision brought to an end a 15-year battle between the Justice Department, trying to force El Paso to relinquish the Pacific Northwest Pipeline Corporation, which the company bought in 1957, and the multimillion-dollar utility, resisting the Government effort.

The high court affirmed unanimously without opinion a Federal District Court plan under which about one-third of El Paso's gas resources would be given over to a new company operated by the Apco Group, with its principal markets in Washington, Oregon, Idaho and northern California.

The case had been watched closely during its long evolution for clues to the Government's persistence in pursuing antitrust cases in the private power area. In terms of the value of the assets involved, it was a major contest but not one of the biggest in history.

It was the fifth time the Supreme Court had ruled on one aspect or another of the controversy. Three associate justices, William J. Brennan Jr., Byron R. White and Thurgood Marshall—took no part in hearing or deciding the case.

The Apco Group is a conglomerate consisting of the Alaska Interstate Company, the Apco Oil Corporation, the Gulf Interstate Company and the Tipperary Land and Exploration Corporation.

John G. McMillian, president of the Apco Group, hailed the court's decision in a statement today as one establishing an independent gas supplier in the Northwest while preserving "the integrity of the nation's antitrust laws."

CRISIS ARGUED

Mr. McMillian said that his organization would begin negotiations at once on a price to be paid El Paso for its Northwest division, under supervision of the district court. He predicted that this final phase of the divestiture would "not be a complicated one."

Clearly trying to discount the impact of the decision, Howard Boyd, chairman of the board of El Paso, said that it would not affect his company's announced plans for expansion and the development of new energy sources.

In the Pacific Northwest, he maintained, "an additional supplier will not be added, but a different management will take over a new company to receive the fragmented part of the El Paso system."

Mr. Boyd said it was "impossible to predict the amount of time required" to determine a sale price for the El Paso assets and for the Federal Power Commission to authorize a transfer. He did say, however, that El Paso stockholders would continue after divestiture to own "substantially the same properties." although some would be under different management.

El Paso had argued before the high court that the national power shortage made it desirable to leave the Northwest division under its ownership. But the Justice Department responded that "the energy crisis cannot be solved by recision of remedies to correct violations of the antitrust laws."

During the long course of the El Paso case, some 15 additional parties were drawn into the controversy—all the states involved and a number of gas and electric utilities in the area. Decided today were five appeals brought by 13 parties.

In its ruling, the Supreme Court rejected two basic arguments: that El Paso should not be required to divest itself of its Northwest assets in the interests of prompting competition, and that, even if it were, the Apco Group was not the most promising operator.

Of the seven applicants for the new company, the district court had originally chosen the Colorado Interstate Corporation and Apco was an alternate. But an outside utility bought Colorado Interstate, and the court, rather than reexamine the entire competition question, shifted to Apco.

## LOOPHOLES AND LITTLE GUYS

Mr. HUMPHREY. Mr. President, last weekend, Presidential Assistant John D. Ehrlichman began the Nixon administration's counterattack against efforts to make the tax system just and fair for all Americans.

Ehrlichman said that closing tax loopholes will simply not produce revenues—unless interest on a person's home mortgage, his home taxes, and his personal exemption were eliminated.

Mr. President, I charge that the Nixon administration is engaging in scare tactics—they are trying to scare the average taxpayer away from tax reform. And, they are trying to protect the big corporate interests—those same interests who day in and day out support the Republican party and gave the bulk of the campaign contributions to the President's reelection.

The fact is that the revenue code has plenty of room for reform. And, we can have a tax reform that closes loopholes for the special interest while making taxes fair for the average working family.

That is what the Nixon administration fears—an assault on the tax loopholes of the privileged few.

Mr. President, Hobart Rowen, in a recent column in the Washington Post, noted Mr. Ehrlichman's statements, took issue with them, and then quickly pointed to areas of possible tax reform that would produce a great deal of revenue.

The final paragraph of Mr. Rowen's article is the most telling:

So, who is Ehrlichman trying to kid? If the administration doesn't have a decent tax reform program, it is not because it could wring the money only out of the little guy, nor because there aren't outrageous loopholes waiting to be plugged. It is just because Mr. Nixon must believe that his constituency likes the inequitable tax system pretty much the way it is.

Mr. President, I ask unanimous consent that Hobart Rowen's column, "Loopholes and Little Guys," be printed at this point in the RECORD.

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

LOOPHOLES AND LITTLE GUYS

(By Hobart Rowen)

On ABC's "Issues and Answers" last Sunday, presidential aide John D. Ehrlichman said that "there is a lot of misinformation around in this business of tax loopholes," and then he did his best to spread some more of it around.

The basic point that Ehrlichman was trying to make is that it's not possible to raise a great deal of money by tax reforms, "unless you start digging into the average taxpayer's exemptions, or charitable deductions, or mortgage credits, or something of that kind."

That, as Mr. Ehrlichman must know, is simply not true. He was just trying the usual scare tactics that have been this administration's old reliable weapon against tax reform.

What is true is that the exemptions or loopholes he mentions account for a considerable part of the erosion of the tax base. But there is plenty more that he didn't choose to mention.

Could it be that Ehrlichman failed to point to other loopholes because the chief beneficiaries are businesses and the most affluent taxpayers?

For example, the exhaustive analysis of erosion of the individual income tax base by Brookings Institution economists Joseph A. Pechman and Benjamin A. Okner in January, 1972, for the Joint Economic Committee of Congress shows that under a comprehensive tax system, the Treasury would pick up $55.7 billion in revenue it now loses to the leaky tax structure.

Of this total, $13.7 billion would come from taxing all capital gains, and gains transferred by gift or bequest: $2.4 billion from "preference income" such as tax exempt interest, exclusion of dividends, and oil depletion; $2.7 billion from life insurance interest; $9.6 billion from owner's preferences; $13 billion from transfer payments (welfare, unemployment compensation, etc.); $7.1 billion for the percentage standard deductions;

$2.9 billion for deductions to the aged and blind; and $4.2 billion for other itemized deductions.

On the corporate side, Ehrlichman made no mention of the $2.5 billion in reduced tax burden that business will get this year through accelerated depreciation schedules (ADR); and another $3.9 billion via the investment credit. From 1971 through 1980, ADR will be worth $30.4 billion and the tax credit $45.2 billion (all U.S. Treasury calculations). And in that span of time, there will also be some $3 billion in give-aways through DISC—a tax shelter for export sales profits just created by the revenue act of 1971.

Another tax reform target Ehrlichman appears unable to see is income-splitting, which Pechman and Okner estimate causes a revenue loss of at least $21.6 billion annually, almost half of which is a benefit to a relative handful of taxpayers in the $25,000–$100,000 income brackets.

But there's more to it than that. Ehrlichman pretends to be concerned about that "average householder' who would be hit if he couldn't take his mortgage interest as a deduction. But of the $9.6 billion that Pechman-Okner show lost to homeowners' preferences, defined as deductions for mortgage interest and real estate taxes, $5.3 billion goes to the tiny 5 per cent of taxpayers with reportable adjusted gross income of $20,000 or more.

And how about Ehrlichman's warning that Uncle Sam can't raise tax-reform money in significant amounts "if you don't let the average householder . . . deduct charitable contributions to his church or to the Boy Scouts . . ."? Is he really worried about the little guy?

The Tax Reform Research Group (one of Ralph Nader's operations) showed last year that when you divide the number of taxpayers in each income group into the total tax preference benefits of charitable deductions, other than education, you find this:

Among taxpayers in the $7,000 to $10,000 income bracket, the average tax benefit for charitable contributions was $17.44; for those in the $10,000 to $15,000 bracket, $33.11; for those in the $20,000 to $50,000 bracket, $199.09; for those in the $50,000 to $100,000 bracket, $1,211.16; and for those making $100,000 and over, a whopping $11,373.56.

So who is Ehrlichman trying to kid? If the administration doesn't have a decent tax reform program, its' not because it could wring the money only out of the little guy, nor because there aren't outrageous loopholes waiting to be plugged. It's just because Mr. Nixon must believe that his constituency likes the inequitable tax system pretty much the way it is.

## OPPOSITION TO NIXON ADMINISTRATION'S PROPOSED CUTS IN FEDERAL PROGRAMS

Mr. INOUYE. Mr. President, once again the people of my State have spoken out through their elected representatives in opposition to the Nixon administration's proposed cuts in Federal programs. These programs have assisted the less fortunate members of our society and have worked to provide education, health care, housing, manpower training and environmental protection to the great majority of our citizens.

The President's spokesmen claim that the American people are on his side. But I do not believe this to be the case. The resolution which I introduce into the RECORD today which was passed by the council of the county of Kauai in Hawaii does not indicate support for the President's program. The thousands of messages that I have been receiving from Hawaii's elected leaders and citizens and from people across the country are not on the President's side. And the national soundings taken by opinion samplers do not point to a Presidential mandate.

An increasing number of communications to my office are asking why it took the President 4 years to begin the war on wasteful Government programs.

The Nixon administration is seeking to place the blame for the so-called failure of many social service programs upon the Congress.

However, it is the executive branch that administers these programs and is responsible for controlling administrative waste in day-to-day operations. If the programs are faulty in legislative design then the President had a responsibility during his first term to request revisions before allowing the squandering of taxpayers' money. This he failed to do. Certainly, it makes one question the administration's real commitment to cutting out waste. Also, the lack of concern over such items as weapons system cost overruns and tax benefits to the very wealthy adds to this doubt.

I ask unanimous consent that the text of the Kauai Council's resolution be printed in the RECORD. I agree with the sense of this resolution and I will listen to the voices of my constitutents as the Congress undertakes to protect our citizens from ill-designed and ill-considered budget cuts, illegal impoundment and destructive administrative regulations.

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

RESOLUTION CALLING UPON THE PRESIDENT OF THE UNITED STATES AND CONGRESS TO RESTORE FUNDS FOR CERTAIN SOCIAL SERVICE PROGRAMS

Whereas, the preamble of the Constitution of the United States proclaims that one of our nation's basic objectives is to "Promote the general Welfare"; and

Whereas, the *Council of the County of Kauai* recognizes our duty on a national and individual level to provide and assist the needy and less fortunate members of our society; and

Whereas, recent federal budget announcements by the President of the United States indicate severe deductions and deletions in many programs designed to promote the general welfare of the people of each state, including Hawaii and the County of Kauai; and

Whereas, such deductions and deletions include, but are not limited to, the following:

The complete dismantling of the Office of Economic Opportunity and agencies related to it, including the Kauai Economic Opportunity program, whose 41 employees presently provide services for over 1700 low-income citizens in the County of Kauai, which services include General Community Programs, Consumer Education and a lunch program for the elderly, Transportation for low-income including transportation for the elderly for shopping, and medical and dental services;

The stoppage of housing programs designed to bring relief to the numerous people in our County who live in overcrowded and dilapidated units at prices they cannot afford, including Section 235 and 236 programs which, along with others, are designed to stimulate construction of moderate income housing; and including U.S. Department of Agriculture loans for low-income rural families and credit for farm labor housing and rural rental and cooperative housing;

The cutting of the distribution of social service funds to the states by 40% leading to the probable loss for Hawaii, and proportionately to the County of Kauai, $9.5 million to $17.5 in federal funds for welfare programs through both public and private agencies, including up to $7.5 million in social services and $2 million to $10 million in food, clothing, and medical care payments;

The elimination of federal funding to libraries, vocational educational training of personnel, new careers in education, training institutes and summer fellowships, P.L. 815 school construction, programs for strengthening state departments of education, drug abuse education, environmental education, and vocational rehabilitation services;

The reducton of vital programs for senior citizens including the elimination of dental care for the aging under Medicaid, the stoppage of all research and training under the Administration on Aging, the deletion of expected expansion of the Retired Senior Volunteer Program, the foster grandparent program, the Senior Corps of Retired Executives, and research on aging under the National Institute of Child Health and Human Development;

The shifting to the uncertainty of special revenue sharing of many educational programs, including education for deprived children, supplementary services, bilingual education, programs for the handicapped, vocational and adult education opportunities;

The freezing of water, sewer, and open space projects and public facilities loans as well as grants to small communities for building water and sewer systems;

The elimination, reduction or shifting to the uncertainty of special revenue sharing of numerous manpower programs designed to reduce unemployment, including Concentrated Employment Program (CEP) training programs and Manpower Development Training Programs, public service careers and on-the-job training programs, CEP work support, Neighborhood Youth Corps, Operation Mainstream, and the Emergency Employment Act; and

Whereas, the above federal cutbacks, along with many others, will have a serious social and economic effect on the State of Hawaii and the County of Kauai; now, therefore

Be is resolved by the Council of the County of Kauai, State of Hawaii, that it does hereby call upon the President of the United States and Congress to re-evaluate funding for social programs and restore monies proposed to be deleted.

Be it further resolved that certified copies of this resolution be transmitted to the President of the United States, Hawai's Congressional delegation, the Governor of Hawaii, the Mayors and Councils of each other county in the State of Hawaii.

## FARMER-CONSUMER INTERESTS IN INCREASED DAIRY PRICE SUPPORTS

Mr. HUMPHREY. Mr. President, today I testified before our Senate Subcommittee on Production, Marketing, and Stabilization of Prices to support my bill (S. 548) to establish dairy price supports at 85 percent of parity from April 1, 1973, to March 31, 1974. Over 20 Senators have joined me in cosponsoring this bill or an identical bill (S. 622) introduced by Senator DOLE of Kansas.

The action a taken by the U.S. Department of Agriculture on March 8 in an-

nouncing a dairy price-support level of only 75 percent of parity for the forthcoming milk-marketing year, if allowed to stand, will prove disastrous for both our Nation's dairy farmers and the American consumer. Dairy cow numbers and total production are trending downward while consumption of dairy products is increasing both on a total and on a per capita basis. Unless dairy farmers are encouraged to remain in dairying, dairy supplies will continue to drop with corresponding increases in prices to consumers. Dairy farmers cannot continue to meet sharp increases in production costs—especially as it relates to protein ration costs—wtihout a higher basis price-support level.

My bill (S. 548) provides the level of support required to meet these needs.

In addition, action will have to be taken to realize the CCC purchase price formula also announced by USDA on March 8. Changes announced on March 8 in this regard were so substantial that a complete disruption of the industry will result, a development which will bankrupt most butter-powder plants and reduce income for many dairy farmers.

Mr. President, in my testimony earlier today, I went into these matters in much greater detail. In that, I believe, it is very important that every farmer, every consumer, and every Member of Congress clearly understand what is involved here, I ask unanimous consent that my testimony be printed at this point in the RECORD.

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

TESTIMONY OF SENATOR HUBERT H. HUMPHREY

Mr. Chairman, I want to thank you for proceeding with this hearing today on my bill, S. 548, which if enacted, would establish dairy price supports at 85 percent of parity from April 1, 1973 to March 31, 1974.

This bill, of course, is one which I should not have had to introduce nor should this committee have to consider. But unfortunately, due to the action taken by the Department of Agriculture on March 8 when it announced a dairy support level for this next milk-marketing year of only 75 percent, (the minimum allowed by law) Congress must be asked once again to step in and act in order to protect *both* the dairy farmer and the consumer.

Establishing dairy supports at a level of only 75 percent does not adjust for the doubling in dairy feed ration costs these past several months, nor will it likely stop, or slow-down recent drops in total cow numbers or total milk production. And let us keep in mind at the very time these downturns in production are occurring we are experiencing an upswing to consumption of dairy products, both on a total and on a per capita basis.

While the Department in its March 8 news release indicated that the Secretary had determined that the 75 percent support rate would assure U.S. consumers an adequate supply of dairy products, the Department went on to contradict itself in the same release by announcing that the President was requesting the U.S. Tariff Commission to investigate the need or increasing the supply of cheese imports! Now who's kidding whom?

I submit, Mr. Chairman, that the Department has failed in its legal responsibility to establish dairy price supports at a level which will provide an adequate supply of milk for American consumers. I must point out, Mr. Chairman, that such action is in violation of Congressional policy as expressed in the Agricultural Act of 1949 which requires dairy supports to be set at levels to insure that domestic production is equal to consumer needs.

I find the Department's March 8 announcement disappointing and difficult to understand, because their own information shows that milk production is dropping and apparently will continue to drop. Unless some effort is made to stop or reverse this downward trend the consumers of this nation will be paying more, not less, for their milk and other dairy products in the future. With demand rising and supplies going down, prices are going to go up. Housewives and other family food shoppers should certainly understand this basic lesson in marketplace economics by now!

On Monday of this week, USDA announced its official dairy production figures for February. For the fourth straight month production is below that of a year ago. (Mr. Chairman, I would like to request that this March 12 report be inserted at this point in the hearing record).

I have found no indicators, either from official or unofficial sources, that suggest this production trend is likely to change. In fact, all current pressures today are working against expanded dairy production. Let me point out just a few of them.

A bad harvest season last fall has left considerable quantities of feed, notably feed grains, but also some hay—in the fields. Usually a situation of this type is somewhat limited in geography. Not so last fall. Nearly every agricultural part of the country was hit. My farmers in Minnesota have told me of their harvest problems. Farmers in the South and the Southeast have given me similar reports. And in the Northeast—in New England, New York and Pennsylvania—it is even worse. A recent survey in that area showed a loss of 17% in hay production in 1972 from 1971. And in nearly all areas of the Northeast the hay which was harvested has been designated as "poorer" or "much poorer" than in 1971. (Mr. Chairman, I have a news article covering this situation in more detail which I would like to have inserted at this point in the hearing record.)

Along with this bad harvest season is an extreme shortage of protein—particularly soybean meal, which is used so heavily in the area where I come from.

One year ago the price of soybean meal in Minnesota to the farmer was $112 a ton. Last month it was $227.60 a ton—more than double what it was a year ago. While these prices had been climbing gradually for most of the early months last year they really took off in November. In November soybean meal could be bought for $142 a ton. By December it had jumped $26 a ton. In January it was up another $32 a ton. And in February it went up another $28. That's an $86 increase in three months! (Again, Mr. Chairman, I have several tables illustrating these increases in feed-ration costs which I would like to insert into the record at this point.)

Nor do we see any indication that these feed ration prices will drop back substantially at any time in 1973. It will be at least 1974 before protein prices might drop—and then only if we have an extremely favorable production next year. As Secretary Butz commented recently, "Our analysts are concerned that we may not get enough acreage in soybeans this year." They should be concerned. Our dairy farmers certainly are.

Add to this unfavorable feed situation the fact that dairy cattle can bring good prices for beef. Steers on the Omaha market brought $45.25 a hundred lbs.—up $10.00 from a year ago. On that basis dairy farmers can ship good dairy cattle for beef and get in the neighborhood of $500 for a good-sized Holstein cow.

Put them all together and what do you have? Every incentive for dairy farmers to get out of dairying. Good beef prices if they sell. High protein costs and long work weeks if they continue dairying. Limited (and costly) hay and feed grain supplies on many of their farms.

As you well know, Mr. Chairman, due to the current heavy rail shipments of grains for export, many dairy producers located in feed deficit areas are finding it almost impossible to get feed, no matter what the price!

No wonder dairy farmers are discouraged.

What they need now is encouragement—some assurance that it will pay them to keep those milk cows and keep milking them. This is exactly what the Department of Agriculture has not given them.

What did they announce last Thursday? The lowest possible level at which they could set supports—75% of parity. Along with that an announcement that greatly expanded amounts of cheese are likely to be imported in the next four months.

In fact the only interpretation one can make of their March 8 price support announcement is that it is intended to lower both dairy farm income and production . . . minimum support level—increased dairy imports. If I was a dairy farmer and got that kind of news I would do just like many of them are doing today. I would think about getting out of that seven-day-week farming operation.

Some believe the price support announcement was pitched entirely toward the consumer. Maybe so! But I can assure you that if this policy is followed, the consumer will be the loser in the end.

One doesn't turn dairy production off and on like a household light switch. If farmers go out of the business now—and there is every indication that many are continuing to do so—it will be two or three years—maybe even longer—before remaining farmers can get milk production back up to needed supply levels. In the meantime prices will rise and the consumer will pay. Oh, will he pay!

Doesn't it make more sense to adjust these prices *now* and encourage dairy farmers to stay in dairying—rather than having them quit and then try to get them back again much later?

Thats why we have my bill, S. 548 before us. It is intended to establish prices at a level which will encourage dairy farmers to keep on with their dairy production. This is the obvious and sensible route—both for the dairyman and for the American consumer.

Enactment of S. 548, would assure consumers of an adequate supply of milk and would thereby hold down fluid milk price increases to about 1 cent per quart instead of 2 or 3 cents per quart which consumers will very likely soon be paying if milk supplies are not increased.

Another action I would like to address myself to which was included in the Department's March 8 news release is the change in CCC purchase prices for cheese, butter and nonfat dry milk. The Department announced that CCC buying price for cheese will be increased by 7.25 cents per pound, that butter will be reduced by 6.75 cents and that nonfat dry milk will be increased by 5.8 cents. Mr. Chairman, this is the first time in the history of the dairy support program that this change in the ratio of butter and nonfat dry milk prices to the price of cheese has been changed so substantially.

This dramatic change in price relationships among these manufactured dairy products will not only totally disrupt the competitive position between cheese and butter-powder plants, but will also result in a tremendous loss in income for many of our nation's dairy farmers who deliver milk to butter-powder plants. I estimate that this change in ratio will cost Minnesota farmers about $25 million this year alone. In addition, as I already have suggested, these changes will also result in tremendous losses for butter-powder

manufacturing plants, losses which may drive many of them out of business entirely.

Mr. Chairman, unless something is done immediately to readjust these announced CCC purchase prices to bring the blend prices of these two types of plant back into balance—or nearer to balance—chaos will result.

These actions by the Department, coupled with the relaxation upon imports of cheese will increase the culling and selling off of dairy cows for slaughter, which, in turn, will result in further reductions in total milk supply for consumers. Dairy income already is being squeezed by increased production costs and inflation.

These actions by the Department are yet further examples of how our national Government is trying to lower dairy farm income. These actions constitute a policy which means bankruptcy prices in the short run and destruction of the dairy industry in the long run, a policy which I ask that this Committee and the Congress reject.

If our nation's dairy farmers are to be encouraged to stay in business to assure the American consumer of an adequate supply of milk at reasonable prices, then steps must be taken immediately by Congress to provide a dairy price support level that will accomplish these objectives. In addition, as I have indicated, steps also must be taken to realign USDA's announced CCC purchase price levels to restore some semblance of balance among manufactured dairy products. If the Administration refuses to take such action, then I suggest that the Congress take whatever action is required to do so.

## PAN AM FIGHTS TO REVIVE ITS CREDIBILITY

Mr. TUNNEY. Mr. President, during recent weeks increasing attention has been focused on the needs of our Nation's transportation system and the enormous economic considerations required to maintain a safe, efficient, and viable means for sustaining the mobility of our people and goods.

The decline of our merchant marine fleet is well documented. Our rail system, particularly in the Northeast, has been of continuing and growing concern. The financial plight which most of our Nation's airlines have weathered recently, has likewise been of great concern.

Most of our major airlines have returned to profitability. Our largest overseas carrier, Pan American World Airways, has reduced its deficit from $48.8 million in 1971 to $28.8 million for 1972.

That Pan Am, without Government Assistance, with strong subsidized foreign competition, is beginning to show some modestly encouraging results, is indeed gratifying. It is welcome news to know that since March 1972, when William Seawell took over as chairman and chief executive officer, the trend at Pan Am is at last in the right direction.

We in California are, of course, extremely conscious and concerned with Pan Am's financial position. The airline is a major employer in both Los Angeles and San Francisco and provides our major air services throughout the Pacific basin and the world.

The strides which Pan Am has made are documented in a recent Business Week article which I believe gives great insight into the steps which a major U.S. firm has taken internally to restore itself as this country's leading international airline.

Mr. President, I respectfully request the following Business Week article titled "Pan Am Fights To Revive its Credibility" be placed in the CONGRESSIONAL RECORD.

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

PAN AM FIGHTS TO REVIVE ITS CREDIBILITY

From its inception, Pan American World Airways has been renowned as the airline that pioneered new airplanes, from the earliest flying boats to the present Boeing 747s. This was the heritage and basic philosophy that founder Juan T. Trippe gave the line. But this week Pan Am broke that tradition by abandoning its position on the delivery schedule for the British-French Concorde, the controversial supersonic airliner that two of its competitors, Air France and Brtiish Overseas Airways, have already ordered.

The fact is that the Concorde in its present form does not meet the needs of Pan Am. The beleagured airline can afford to commit itself on only one new type of plane, and that one has to be a money-maker. Pan Am reported a $28.9-million loss for 1972 and has lost a total of $151-million in the past four years. Whatever else the Concorde may prove to be it holds little promise of being a big profit maker.

As Pan Am sees it, the Concorde could earn big money only if passengers prove willing to pay a huge surcharge to ride an SST, but airline history shows that special-plane surcharges soon disappear. The Concorde's range and payload fall far short of the 747's. Its builders insist that it makes up in speed what it lacks in capacity, but night airport curfews that are spreading all around the world could especially hurt the SST's ability to be twice as productive per seat as the 747. Perhaps most discouraging, the Concorde burns twice as much fuel per passenger mile as the subsonic jets, and the cost of fuel is soaring.

PAN AM'S PLANE

In this light, Pan Am felt it had no choice but to use the $280-million it would have to invest in the Concorde to buy another type of plane that promises a higher rate of return. The airline will now probably put most of its limited funds for new equipment into the first of a new generation of subsonic jets.

The jet that Pan Am has in mind has not yet been ordered into production; in fact, its design has not been firmed up. At Boeing Co., which is nearing a decision about going ahead, the proposed jet is still called the 7X7. But enough is known to indicate that the plane is just what Pan Am needs.

For years, Pan Am has been knocking itself out in the world's most hotly competitive overwater markets: the North Atlantic, Puerto Rico, and Hawaii. These routes have far more seat capacity available than necessary, and promotional discounting of fares has created record-low yields. Almost every line loses money on these routes, and Pan Am lately has been among the biggest losers of all. If it is to survive, Pan Am knows that it must develop the less competitive, less dense markets that have a higher yield.

Such markets cannot support the huge 747, at least in the beginning. They really need about as many seats as the largest 707s have, from 180 to 200. But the next-generation subsonic jet will have to be much quieter than the 707 and far cheaper per seat to operate. Most important in developing the new high-yield markets, the new plane must have greater range. It will have to be able to fly nonstop, say, from Rome to Los Angeles or San Francisco to Tokyo against stiff headwinds. All this is what at least one version of the 7X7 is being designed to do.

IN THE HIATUS

But the 7X7 will not be available as soon as Pan Am needs it. It could be delayed well into 1978. Pan Am's studies show that the line will need more capacity in 1975.

To meet its 1975 needs, Pan Am must decide on its interim airplane and place orders no later than the third quarter of this year. The decision will probably be made this spring. One choice would be an advanced-model 727-200. A fleet of such planes could free many of the line's 707s, of which it has 90, so that they could be refurbished with the wide-bodied look, fewer seats, and longer range. Another possibility is the long-range version of the DC-10 trijet.

Perhaps the most intriguing idea is a new version of the 747, fitted with a cargo door. Advanced, higher-thrust engines now make the 747 a potentially profitable air freighter. Pan Am is weighing the possibility of 747s with only 200 seats and the rest of the main deck in use for cargo.

A BIG CHANGE

That Pan Am is in financial condition to buy anything at all this year represents a tremendous achievement. The line last year came closer than any outsider realizes to becoming a flying Penn Central. When the board finally fired Najeeb E. Halaby as chief executive last March, internal forecasts indicated that the company was going to lose up to $180-million in 1972.

A year ago, Pan Am's costs were out of control. In December, 1971, an $11-million extra maintenance bill from United Aircraft Corp. for engine overhauling took management totally by surprise. Top executives were hired and fired, or else resigned, with such depressing frequency that what little organization table there had been virtually disappeared. Says one officer who survived the chaos: "It was pretty hard to, tell who had authority over whom and who was administering what. When decisions were made at all, they were frequently reversed within weeks."

Not only did Pan Am lack a long-range plan; it did not seem to have a short-range plan, either. In an effort to stem losses in the Caribbean, for example, it slashed service there. Then, when it found a loss of revenues without a comparable reduction of costs, it turned completely around and threw more flights into the area than had been there originally. Moves such as this left airplane and crew scheduling in a state of utter confusion.

Meanwhile, Pan Am's lenders got increasingly nervous, not only because of conditions within the company but because of how these conditions were being aired in critical stories in the press. The federal government, tired of being blamed for Pan Am's problems, quietly let key directors know that help from Washington would not be coming so long as the line's top management remained in charge.

DEMORALIZED

Employees, too, lost faith in their company's leadership. They had been frightened by the repeated cuts in work force and angered by their suspicion that many of these cuts were made for cosmetic reasons, actually costing the company more than was saved. They had been frustrated by seeing obviously bad situations go uncorrected for lack of decisiveness. They were confused by the constant din about how much trouble Pan Am was in and by the lack of noticeable plans to do anything about it. Instead of planning and organization, Halaby's chief management technique was exhortation. And, says a veteran Pan Am officer, "the employees were exhorted to the verge of total boredom."

A company totally dependent on how its employees deal with the public cannot afford to have frightened, confused, and angry employees. Service goes to pieces. And that is what happened at Pan Am. Its ground and

cabin service became appallingly bad. Judging by the number of complaints it gets, service may still be bad sometimes. But some fairly sophisticated business travelers have recently remarked on the airline's service improvements.

NEW BLOOD

Perhaps what saved Pan Am more than anything else was that in 1971 Halaby was able to attract and to keep two executives with valuable airline experience: William T. Seawell, one-time senior vice-president for operations at American Airlines, and William M. Crilly, one-time vice-president for corporate planning at Eastern Air Lines. When Halaby departed last March, Seawell and Crilly became Pan Am's top management.

At the outset, the two men decided that there was no miracle cure for the company's troubles and that none should be attempted. The only hope, they then decided, was to identify the problems in an orderly manner, analyze them, and develop an organization and a philosophy to solve them.

"I wanted initially to keep a low profile, to avoid being argumentative in the media, and to avoid exhortations to employees," says Seawell. "My objective was to establish Pan Am as a soundly managed company putting its own house in order, making no promises, giving no assurances—a company sticking strictly to business."

So Pan Am went out of the complaining business. Last spring, Seawell called at the White House and told a Presidential aide that there was much that the government could do for Pan Am but there was also much that Pan Am could do for itself. And, he said, he would be too busy to come running down to Washington until the company's affairs were in better shape. Recently, Seawell felt that the airline had shown enough improvement for him to pay his second visit to the White House to give the Administration a more favorable briefing.

A HOUSE IN ORDER

Seawell also stopped talking to the press, believing that he had nothing to say until there were results. Instead, he aimed most communication effort directly at the employees, a group that he decided was the company's most important public. Employee publications were sharpened and made more factual. Revenue and traffic statistics, for example, were relayed throughout the system so employees could substitute hard knowledge for vague fears.

Under the Halaby regime, most officers made any excuse not to leave New York for a firsthand view of the airline. Under Seawell, all officers are required to make extensive inspection trips. For many, it is a new experience "to discover there is a real airline out there," as one executive puts it. It is also a new experience for the field forces to see a real, live corporate executive and be able to tell him, face to face, what the problems and possible solutions are.

Early in the game, Seawell and Crilly saw the need to establish a formal reporting organization so timely information could flow in both directions. It was also necessary to reduce the number of functions reporting directly to Seawell. A formal organization table—the first that Pan Am has had in years—was drawn up (chart) and then refined in a process that went on until about five weeks ago.

For the first time in years, too, every department was given a budget based on conservative revenue forecasts. Now, in theory at least, people at every level of management know what their specific objectives are, how they fit into the over-all plan, and how to measure their own performance.

COST OF LIVING

From the start, Seawell tackled Pan Am's operating, maintenance, and overhead costs. His experience at American told him that these costs were at least $10-million too high.

Pan Am's maintenance policy, for example, had been to have men and equipment standing by to fix anything anywhere in the world. Yet, through idiosyncrasies of scheduling, some planes did not visit a major maintenance base for long periods, and when they did, they needed a great deal of work. John M. Wolgast, brought in from National Airlines to be vice-president of technical operations, has brought maintenance capacity into better balance with needs, reducing the maintenance force by some 800 men in the process. He has worked closely with Wesley G. Kaldahl, senior vice-president for airline scheduling and planning, who came over from Eastern.

For one thing, Kaldahl has promised Wolgast that his department can see every plane at regular intervals, enabling Wolgast to plan his work and manpower better. Now maintenance gets a crack at every plane twice as often as before, and because the problems are not allowed to build up, each plane needs less work time. Thus, Pan Am is gaining an hour more of revenue time per day on each of its 747s and 707s than it got in 1971. That works out to the equivalent of having three more 747s, worth about $60-million altogether, and 10 more 707s, worth around $90-million.

When Crilly joined Pan Am in the fall of 1971, forecasts indicated a need for more airplanes in 1973—and no way to pay for them. Today, the time of need has been pushed back to 1975, and the company has the financial resources to buy the planes.

A NEW ATTITUDE

A consortium of banks recently renewed Pan Am's revolving credit agreement two months early and also relaxed the covenants. The company's convertible debenture offer, with its unique conversion-price feature, was oversubscribed. Obviously, the financial community is satisfied that Pan Am has stopped bleeding to death, that it has its costs under control, that it has a plan, and that it is closely following that plan.

Still, the company is far from being out of trouble. It is solving the one problem that it can solve by its own initiative: high operating costs. But other problems are not so easy to correct: a yield of only 5¢ a revenue-mile, 1¢ a mile less than the yield obtained by the not very healthy U.S. domestic airlines; more scheduled and unscheduled competition than any other U.S. carrier faces; and a low-frequency route system, with resulting high station costs per unit of traffic.

Characteristically assuming, for the purposes of economic forecasting, that Pan Am will get no outside help at all, Seawell thinks that the line can break even this year and make a small profit next year. But he is becoming optimistic that help may, at last, be coming. He is hopeful that fares to Honolulu and San Juan will rise and that the Civil Aeronautics Board will not permit below-cost fares to be put into effect this year on the North Atlantic.

His optimism, and that of his fellow officers grows out of a feeling that Pan Am is regarded with more benevolence—or, at least, less malevolence—than has been the case for years. "Our first job was to reestablish credibility with our employees, our customers, the financial community, and the government," says Seawell. "And this much I believe we have done."

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## COMMUNITY MENTAL HEALTH CENTERS

Mr. KENNEDY. Mr. President, Mrs. Geri Joseph has contributed an excellent article to the Washington Post concerning the current status of the community mental health centers program. Mrs. Joseph's longstanding commitment to improving the care and treatment of this Nation's mentally ill is well known. Her article describes the current plight of more than 400 existing community mental health programs. I commend this article to my colleagues. And Mr. President, I ask unanimous consent that it be inserted in the CONGRESSIONAL RECORD at this point.

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

WILL SUCCESS SPOIL MENTAL HEALTH CARE?

(By Geri Joseph)

To President Nixon, it may be the "new federalism." To those concerned with the care of the mentally ill, it sounds like an old, familiar story. And a discouraging one at that.

Tucked away in the President's budget message a few weeks ago was a little-noticed mention of his plan to get the government out of the community-mental-health-centers (CMHC) business. There were so many programs on the marked-for-death list that special-interest groups are just beginning to find their favorites among those proposed for closing out or cutting back.

But it is fair to say that no other program is to be discontinued because of its success. The federal responsibility for the mental-health centers is being "phased out," the administration indicated, because it has been a successful demonstration project. (Never mind that the centers were not intended to be merely a "demonstration project.")

Administration spokesmen offered another reason for ending federal participation. The centers program, they said, created inequities, since people served by them receive better care than people in the rest of the nation.

That explanation has an Alice in Wonderland quality that puzzles and angers many mental-health workers. Why not eliminate the inequities, they are asking, and fulfill the original goal of 1,500 centers across the nation by 1980? Why stop now when there are only about 400 functioning programs?

For years, citizen groups and individuals, shocked by terrible conditions in state mental hospitals, campaigned for better public understanding and more money. Both were slow in coming. But the community mental-health centers program was an enormous step in the right direction. With the Nixon administration proposing to end federal funding, the stimulation provided by federal concern also would end, and the program could falter and diminish.

The CMHC program originated in 1963 with President John K. Kennedy. the only president to take official interest in the problems of the mentally ill. (Mr. Nixon has singled out cancer and heart disease, and programs for both will be given increased funds. Without downgrading the need, one might ask how such priorities are determined.)

In a message to Congress, Kennedy proposed a network of community mental-health centers. "Every year," he said, "nearly 1.5 million people receive treatment in institutions for the mentally ill and the mentally retarded. Most of them are confined . . . within an antiquated, vastly overcrowded chain of custodial state institutions.

"This situation has been tolerated far too long. The federal government, despite the nationwide impact of the problem, has largely left the solutions up to the states . . . The time has come for a bold new approach."

And so, for the first time on a large scale, the federal government concerned itself with the care and treatment of the mentally ill. That was part of the "bold new approach." About 30 per cent of money for staffing, construction and special programs for children came through the government's National Institute of Mental Health (NIMH). The re-

mainder, 70 per cent, came from states and local communities.

Those figures make the federal role sound small. In actual dollars, it amounted to about $624 million between 1964 and 1972. But those dollars were the all-important seed money that encouraged state and local matching funds. And that seed money also enabled the federal government to set standards.

The number of people seeking help in their community centers climbed steadily—from 372,000 in 1969 to 659,000 in 1971. Many of the centers are in areas of urban or rural poverty where those who can least afford quality mental health care have easy access to them. Almost two-thirds of the centers' patients in 1970 had incomes of less than $5,000.

No claims are made that the CMHC is a perfect system for diagnosis and treatment of mental illness or that if does all that might be done in prevention and community education. The programs vary from place to place, some are better than others, and some try to serve too many people. Most of the centers serve areas of 300,000 people or more. In addition, Ralph Nader's group has criticized the program for not having enough "grass-roots involvement."

But most of the criticism results from the fact that fewer than 100 of the centers have been in existence for as much as five years. And only two states, North Dakota and Kentucky, come close to providing near-total coverage for their populations. But where programs exist, there is hope for improvement. The biggest problem is that no centers at all exist for the majority of people in this country. Mental-health workers fear they never will if the Nixon budget is passed.

## SOCIAL SERVICES REGULATIONS CHANGES

Mr. PACKWOOD. Mr. President, on February 16 the Department of Health, Education, and Welfare published proposed regulations governing the social services program authorized by title IV–A of the Social Security Act. A number of the changes outlined in these regulations reflect legislative changes mandated by the Congress in Public Law 92–603, and are intended to bring IV–A spending within the $2.5 billion ceiling imposed by Congress for fiscal 1974.

To the extent that regulatory changes are required by law, or legislative intent, we cannot express opposition. However, Mr. President, my concern stems from the priorities which have been drawn within the regulations, and the counterproductive nature of several of the changes. I have consistently supported the President's efforts to restore fiscal responsibility to the Federal budget process, and I will continue to support that effort. But in eliminating unsuccessful, outdated or otherwise wasteful or ineffective programs, we must retain some measure of foresight. Saving a dollar today which will cost us $2 next week is not economy. Fiscal responsibility does not include false economy.

Mr. President, there has been a great deal of discussion of the national impact of the proposed regulations on title IV–A—the impact in both financial and human terms. But for the record I would like my colleagues and officials at the Department of Health, Education, and Welfare to understand what the impact of these proposed changes would be in my State of Oregon. I, therefore, ask unanimous consent that it be printed in the RECORD a letter from Oregon's director of Human Resources, Mr. Jacob Tanzer, and a list he has compiled relating proposed changes to the specific program areas affected. Additionally, I ask unanimous consent to have printed at this point in the RECORD a letter from Mrs. R. W. Babson, chairman of the Child Welfare Advisory Committee to the Children's Services Division in Oregon, including reports from several advisory committee subcommittees detailing where the regulations will have their most serious impact on children's programs in Oregon. These reports speak for themselves.

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

DEPARTMENT OF HUMAN RESOURCES,
*Salem, Oreg., February 23, 1973.*

Hon. ROBERT W. PACKWOOD,
*U.S. Senator,*
*Washington, D.C.*

DEAR BOB: I write to protest the proposed regulations of the Department of Health, Education, and Welfare dealing with the use of Title IV–A social services funds, published on February 16, and to solicit your help in securing the withdrawal or modification of those proposed regulations. While the number of millions of dollars they will cost Oregon is not yet calculable, it is clear that the human impact is enormous. Although the President has announced his intention to abandon ineffective programs and Secretary Weinberger has indicated his intention to prevent abuses of federal matching opportunities, both worthy goals, the effect of the proposed regulations is quite otherwise. In the words of the enclosed Oregonian editorial, they reflect "accounting bravado and programmatic insensitivity."

In the past decade, and particularly in the past few years, Oregon has developed a system of care and treatment for its needy children which emphasizes high community involvement and decreasing reliance upon institutionalization. That structure was made possible by the supplementation of state and private dollars with federal social services funds. Withdrawal of that arrangement would threaten the welfare of thousands of children now in care. In terms of dollars and social injury, the withdrawal of social services funding today will cost us dearly tomorrow.

Three of the regulations have particularly negative effects:

1. § 221.6—Restricts eligibility for services to families whose incomes do not exceed 133⅓% of the welfare grant for which they would qualify and whose net assets would not disqualify them from welfare assistance. Many children in foster care, group care, 4–C and other day care, mental health treatment, residential and other programs would no longer be eligible for federal subsidization of their care or treatment. Their families would first have to be bled dry before they could qualify.

2. § 221.62—Private donations of cash or in-kind to the state cannot be used to match federal funds. Two particularly excellent programs based upon state-private-federal cooperation would be destroyed if this regulation is implemented. The ADC Association in Lane County raises private money in order to fund scholarships for ADC mothers and some of their children to attend college, mostly at Lane Community College, for training to prepare them for stable employment. The imagination and ingenuity of these ADC mothers has built a very successful program which would be wiped out. A larger program involves the arrangement by which the Oregon United Appeal donates those monies which would be allocated to the private child-caring agencies (Waverly Children's Home, Boys' and Girls' Aid, etc.) which are then matched with federal dollars by which the state purchases care for eligible children in those private agencies. Not only has this partnership approach been a keystone of building of community resources as alternatives to institutionalization, but it has virtually saved many of the private agencies from bankruptcy in the last few years. That arrangement, too, would be destroyed.

3. §§ 221.53 and 221.9—Social services dollars are made not available for educational, medical, mental health or employment services or vendor payments for foster care. I cannot sufficiently stress the importance of counseling, mental health services, supervision and job-related training for youngsters and various forms of residential care. This would be cut out. In recent months, Oregon has finally opened a series of seven small day and residential centers around the state for the treatment of severely disturbed pre-adolescent children, hitherto a first priority unmet need. That program and others would be wiped out.

I have attached a matrix showing the various programs that are affected by each of those three regulations and our projected budget for the next biennium which will indicate the relative size. It will be no victory if we succeed in modifying only one of those regulations. One notes immediately that most programs are affected by more than one.

I would like to discuss this program more fully because I know of your deep interest in our children as evidenced by your recent signature of the senatorial protest letter to Secretary Weinberger. I appreciate your allowing Dale Mallicoat to arrange an appointment for me with you on Thursday, March 1, and I look forward to seeing you then.

Sincerely,

JACOB TANZER,
*Director.*

[From the Portland Oregonian, Feb. 21, 1973]

GHOST COULD HAUNT US

It would be difficult to overstate how potentially disastrous proposed new federal regulations, published Feb. 16, are to a variety of children's services programs in Oregon.

If they are put into effect unchanged in 30 days by the Department of Health, Education and Welfare, the rules would seriously curtail or eliminate services to an estimated 8,000–10,000 of the 50,000 Oregon children who receive some form of help through the Children's Services Division of Oregon's Bureau of Human Resources.

When Congress passed revenue sharing last year, it placed a $2.5-billion ceiling on social services spending. This was not an appropriation, just a lid. Since then, officials in the President's Office of Management and Budget and in HEW have made it clear that they intend to whittle the total down to $1.8 billion. The new rules, however, are cleaver strokes that indiscriminately slash the good with the bad. They offer accounting bravado and programmatic insensivity.

For example, one rule severely limits the sources from which the state can get funds to qualify for $3-for-$1 matching grants, in effect ruling as ineligible private donations to the state such as the $324,000 the Oregon United Appeal gave the state to help support privately operated child care centers. This money, coupled with the federal matching money, has meant the difference between salvation and bankruptcy or major cutbacks for a number of these centers.

Another rule change, which changes the definition of a potential welfare recipient, applying a rigid income formula in instances where social worker insight is what is needed, will certainly reduce the number of children eligible to receive day care subsidies. How-

ever, it removes incentives of parents to get off or stay off welfare, and these rolls can be expected to increase.

The new rules threaten a whole package of mental health programs, including seven day care and residential treatment centers for severely disturbed pre-adolescent children.

Most children in foster homes, all children in residential treatment centers, most children in child care centers and a large percentage of children in 4–C day care programs would be adversely affected.

The state receives $44 million of matching grants from the federal programs. Because some of the new definitions for public eligibility have to be checked against each program, no good estimate of total dollar impact exists. But since the goal appears to cut spending by more than 25 per cent, it should be no surprise if the impact in Oregon is this great or even greater.

The only hope that the rules will be substantially revised seems to reside in congressional willingness to do battle for individual programs that have done a good job. A letter from 47 senators last week (including Sens. Mark Hatfield and Bob Packwood) protested HEW's heavy hand. Whether there will be willingness to follow up or whether this was a one-time gesture is unknown.

The new rules make a mockery of the budgetary requests the Legislature has received from the Bureau of Human Resources. This budget will have to be refigured, almost from scratch, if the new rules go into effect. It will require brutal soul-searching.

The most discouraging elements in the experience are that HEW has not made any apparent effort to evaluate program worth or program needs, that the rules serve to discourage private voluntarism and no awareness has been shown that our failure to spend money on needy children during their formative years may come to haunt us when we have to spend many more dollars on them in adult job training, mental health and police programs.

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FEDERAL REGULATIONS—SPECIFIC PROGRAM: INTERTIE AND EFFECT

A—§ 221.6—*Eligibility*. Redefines former and potential recipients more restrictively. Services cannot be provided to children of families having an income exceeding 133⅓% of what that family would receive in a welfare grant or having additional resources.

B—§ 221.62—*Private Donations*. Bars use of donated private funds or in-kind contributions as the state's share in claiming federal participation.

C—§ 221.53 and 221.9—*Services*. Bars IV–A funds for education, health, mental health or employment services and vendor payments for foster care.

| Program | Amount IV–A budgeted 1973–75 | Eligibility A | Donations B | Services including MH and Emp C |
|---|---|---|---|---|
| Non-4–C day care: Services provided to current and former recipients only. Slight impact due to revised definition of former recipient. | $2,126,587 | × | -------- | |
| ADC scholarship program: Lane County ADC mother's group raises private money to be matched by federal social services funds for scholarships to U of O and Lane Community College for ADC recipients. | 341,782 | -------- | × | × |
| 4–C day care program: Provides day care for children of low income working parents. | 3,025,000 | × | × | |
| Job-related training (non-WIN): Provides employment training for children in foster care, under juvenile parole and other community-based treatment situations. | 421,657 | × | -------- | × |
| U of O Medical School day care: Provides day care and treatment for severely disturbed youngsters by psychiatry department at medical school. | 418,571 | × | × | |
| Transportation of mentally retarded children: Provides transportation for MR's to schools, treatment and activities. Statewide program not threatened, but Model Cities program jeopardized because of broader eligibility. | 303,507 | × | -------- | × |
| Day treatment centers for severely disturbed pre-adolescent children: A new community-based program providing day treatment at various locations throughout the State. | 937,284 | × | -------- | × |
| Family Foster care: Foster care has grown during the last biennium as an alternative resource to institutionalization for children. | 1,425,008 | × | -------- | × |
| Purchase-of-care: Care for children is purchased from private agencies throughout the State rather than institutionalization. One component is the arrangement whereby Oregon United Appeal contributes money to the state which is used to match federal funding for purchase from OUA constituent agencies: Waverly Children's Home; Parry Center; Villa St. Rose; St. Mary's Home for Boys; Albertina-Kerr Homes; Boys' and Girls' Aid Society; Catholic Services of Lane County; Catholic Services for Children (Portland); Children's Farm Home (Corvallis); Christy School; White Shield Home. | $6,083,505 | × | × | × |
| Child care centers: These are residential group care homes developed as community alternatives to institutionalization at MacLaren and Hillcrest. | 2,831,808 | × | -------- | × |
| Child treatment centers for severely disturbed pre-adolescents: Newly developed community-based residential treatment centers for severely disturbed pre-adolescents, including Edgefield Lodge in Portland and others. | 637,195 | × | -------- | × |
| Adoption services: Funding affected by elimination of 85/15 group determinations. | 842,499 | × | -------- | |
| Central administration and case services (all programs): The administrative and case work backup for all service systems is funded in the same manner as the program delivery. It is thus affected in the same manner by the new regulations. | 21,878,181 | -------- | × | |

CHILDREN'S SERVICES DIVISION,
*Salem, Oreg., March 6, 1973.*

Hon. ROBERT PACKWOOD,
*U.S. Senator,*
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR PACKWOOD: The Child Welfare Advisory Committee to Oregon's Children's Services Division, established by Part 220, Chapter II, Title 45 CFR and revoked by the proposed federal regulations of February 16, 1973 (with the exception of the day care committee) is a 50 member committee with statewide representation from the public, private, professional and nonprofessional sectors, including recipients of assistance. The Committee has served as a valuable and effective adjunct to the Children's Services Division in advising and participating in policy and program development, and in making significant recommendations to the Division.

The Advisory Committee is divided into five subcommittees and each of these committees has considered the proposed February 16 regulations on social services in order to attempt to evaluate the impact of the regulations on services to children and families in Oregon. Their findings indicate the impact is disasterous—not only in the many millions of dollars lost but in the suffering, hardships, and increased dependency the proposed regulations would create.

The Advisory Committee urgently requests, therefore, in view of the severity of the regulations, that the effective date of April 1 be extended so that the regulations can be reassessed and reconsidered.

The five subcommittee statements are enclosed for your consideration.

Oregon has made substantial progress in the development of a system to meet children and family needs by utilizing state, private and federal funds. Two studies in the late 60's, as well as the Greenleigh Associates' study and the Governor's "Management 70's Task Force", a group of business leaders, recognized the need for increased federal help in developing a sound system of services.

The Advisory Committee feels that Oregon has used these funds in a highly responsible manner. The proposed federal regulations will not only wipe out the gains made but will reduce services to a level dangerously below that existing at the time of the studies.

The suddenness of the proposed changes would make it impossible, in the short range, to fill gaps created by the new regulations; Oregon's fiscal problems make that possibility dim in the longer range. Oregon constitutionally cannot operate with a deficit and there is not enough tax money to go around. The state is also unique in that welfare programs are operated at a state level rather than at a city/county level. Therefore, two-thirds of federal revenue sharing funds—Oregon's share won't begin to make up the money lost in IV–A revenue—will come into the state at the city/county level and probably will not be available to finance social services.

It is estimated that the state would lose $8.5 million in social service funds for each year of the 1973–75 biennium, or a total of $17 million for the biennium. Oregon has already lost some $5 to $6 million during fiscal 1973 as a result of the Congressional ceiling on Title IV–A funds.

The State of Oregon has used federal social service funds to expand the capacity to meet the most pressing needs of our disadvantaged children and families. These children and families cannot overcome problems themselves. To deny them needed services now will result in untold future costs—financial and human.

Respectfully,
Mrs. R. W. BABSON,
*Chairman,*
*Child Welfare Advisory Committee.*

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STATEMENT

As of April 1, 1973, the State of Oregon will be operating under new federal guidelines governing the use of Title 4–A (Social Security) funds. These guidelines seem to us to be adverse to the self-help concepts that have been initiated in the State of Oregon.

The guidelines will completely eliminate one highly successful program, the ADC/CSD Scholarship Program, and possibly render inoperative, several other programs, including Community Coordinated Child Care (4–C's), mental health services, and homes that are operated for unwed pregnant mothers.

The clause (221.62) will forbid the state to use private donations, or in kind services in claiming a federal reimbursement.

The CSD/ADC Scholarship Program, which has operated successfully for the past seven years, will be forced to close its doors. It is a program which has furnished direct scholarship aid to heads of families, children of welfare families, persons from penal institutions, and many other persons who found themselves unemployable and on the welfare roles. The uniqueness of this program has been that recipients took the major initiative and responsibility for the program. These people while taking care of their families, and in most cases going to school full time, also found time to raise funds to support the program, (local private donations, disallowed by 221.62).

We as a committee can see the far reaching impact that these and other proposed rules outlined in the February 16, 1973, Federal Register, might have on the State of Oregon. At a time when the focus of national programs is said to be on getting people to work, we can see these regulations having the opposite effect: 1. A lack of a training resource somewhat different from WIN, which does not have the WIN Program's limitations, and allows for realization of potential, and 2. Heads of families may be forced to give up their jobs when they are lacking adequate low cost child care.

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FEBRUARY 26, 1973.

I am writing as chairman of the Sub-Committee on Adoptions to express concern over the proposed federal regulations on social services.

While the intention of bringing fiscal responsibility to programs that are running wild is commendable, indiscriminate application of this principle could do extraordinary damage, as it may well include the demise of some of the best programs that exist for children.

With regard to adoption, the area we have been charged to review, there is perhaps less impact directly than to many other services. It would mean that special programs related to adoption would probably be curtailed, and these programs inevitably result in the saving of public monies since they result in the placement of children in adoption who otherwise may depend upon public support.

The proposed reduction of funds in foster care will indirectly affect the process of planning permanent homes for these children because foster care is an integral part of the process which prepares the child for its adoptive home. Foster family care has been the least expensive form of care devised for children without families.

There has not yet been time for our committee to discuss in detail the present federal proposals. Informally, committee members have expressed grave concern over the damage that will be incurred if these proposals are instituted. The concensus of informal discussion is that in the area of adoption not only will children be deprived of the chance for permanent homes and families, but that the public will eventually spend more money because such permanent plans are unable to be effected.

Sincerely yours,

FRED A. HUTCHINSON,
*Chairman, Adoption Sub-Committee, Children's Services Division, Child Welfare Advisory Committee.*

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STATEMENT

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(2) Section 221.9 would prohibit making payment for "activities of the foster care home" in providing foster care service. This section would prohibit federal funds for the payment of special rates now provided for shelter homes, group foster care programs and specialized foster care of handicapped children. Loss of service unless state funds can fill the gap is estimated at a total of 623 children (ADP) for 4–1 to 6–30 and 902 children (ADP) for 1973–75 biennium. This section also requires judicial determination of a child's need for foster care. Such a requirement would work against current attempts to keep children out of the court if at all possible.

(3) Section 221.62 prohibiting the use of private funds as the local match would terminate the contract between the Foster Parents Association and CSD. This purchase of service program provided recruitment, training and retention services to foster parents. Early experience indicates that these services had great value in obtaining and keeping skilled foster parents.

(4) Liability insurance for foster parents which had been budgeted for the coming biennium will apparently not be possible under the proposed regulations. Suits have been brought against foster parents, chiefly by natural parents, for injuries received by children in care and in one case for alienation of affections.

Oregon has traditionally provided specialized services for children beyond regular foster family care by blending the efforts of private and public agencies. Among the advantages to this system are the reduction of cost of care by the utilization of private funds for capital expenditures and program operation and the involvement of the local community in planning for its children. The proposed regulations strike deeply into this system in the following ways:

(1) Section 221.62, discussed above, prohibits the blending of public and private funds. Fully half of the children served in the traditional residential treatment centers are funded by joint funding process using private, state and federal funds. The adoption of this section would deny services to at least 275 children (ADP) during the 1973–75 biennium. In addition other programs are affected which would increase the number of children denied service to an extent which the committee cannot predict.

(2) Section 221.9 would apparently prohibit the purchase of services by limiting federal participation to maintenance costs. The service costs of these specialized facilities are by far the most substantial element in the cost of their care and they could not continue their programs if there was no funding for services.

(3) Section 221.6 limits federal financial participation for services to a very rigidly and narrowly defined group of "potential ADC recipients". The previous system permitted a much broader definition of "potential" Status, a definition which was much more realistic in terms of the likely futures of these children if service was not given. This restrictive definition, the same that denies services to half the children in foster family care would deny services to many children in need of specialized treatment facilities. The estimated number is not available to us but probably more than ¾ of children now served in specialized facilities would not be eligible under this section alone.

Respectfully,

HERBERT J. HANSEN,
*Chairman, Foster Care Sub-Committee, Children's Services Division Advisory Committee.*

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MARCH 1, 1973.

The subcommittee on family services requests an extension of time before imposition of Part 221 regulations placed in Volume 38, No. 32 of the Federal Register on February 16, 1973. Added time is needed to study the effects of these regulations and to alter them to ease the hardship which they will cause across the nation.

In Oregon the counties and cities do not have a financial resonsibility for taking part in social service programs. Therefore, two-thirds of the federal money coming into the state will not be available to finance social services. City and county officials express reluctance to undertake long-term service programs since, in view of the abrupt cut-off of OEO funds, they do not feel that they can gamble on continuance of revenue-sharing funds. Moreover, no mechanism for such city and county programs is in existence, and it would require months to establish. Under these circumstances, Oregon faces a loss of more than sixteen and a half million dollars ($16,500,000) to its Children's Services Division for the coming biennium.

It is particularly ironic that federal financial participation is most sharply curtailed in two of the three services which are required of the state agency, protective services and foster care. In protective services, which are of particular concern to this committee, Oregon will lose federal financial participation for more than eleven hundred (1,100) families per month, or sixty-eight percent (68%) of its present caseload.

The loss of services in foster care, adoptions and employment services, plus the loss of those training and employment services formerly offered by OEO programs, will mean that the total burden of supplying services to the family will rest on the caseworker. At the same time, the complicated eligibility requirements in the new regulations will absorb most of the caseworker's time, and may require the hiring of additional staff since the new regulations will also require more administrative time. The net result can be only a loss of those services to families which promote employment and reduce the need for foster care. In brief, the cost will be higher and the amount less, as in some of the redesigned packages on our grocery shelves.

We are asking for a six-month extension of the effective date in order to find ways to minimize the grossly harmful impact and possible inhumanity of these regulations.

Sincerely yours,

CHARLOTTE DONALDSON,
*Cochairman, Subcommittee on Family Services, Advisory Committee to Children's Services Division.*

STATEMENT

The Day Care Subcommittee of the Oregon Children's Services Division Advisory Committee, wishes to take the following stand on the proposed federal regulations as outlined in the Federal Register on February 16, 1973:

We emphasize that the greatest resource in the United States is its people. If people are to become self-sufficient, productive citizens, we must start early in the lifespan and provide them with good care and sound development.

If we were truly to meet the goals of the Federal Government, as outlined in the Federal Register—to help families to become self-supporting and self-sufficient—we *would not:*

(1) Put a lower ceiling on Title IV–A Social Security Act Social Services, including day care;

(2) Remove the right to use contributed private funds as a match against the Title IV–A funds;

(3) Make it more difficult to use public in-kind as a matching resource.

In addition, eligibility regulations, as outlined in Section 221.6(c), are so stringent as to ban many families normally fitting into the categories of "present," "former" and "potential" recipients of the service. Limiting eligibility to those with an income not exceeding 133⅓ per cent of the state's financial assistance payment level is defeating the purpose of self-sufficiency and maintaining a poverty level in many cases. It is felt that a more flexible determination, based on the family's ability to pay, would be more equitable.

Section 221.6(c)(3)(iii) relates to the offering of day care services as a means to keep a family from being dependent on public

assistance. This interpretation should be broadened to include day care services as a means of keeping a family from being dependent on other public services such as foster care institutions, etc.—very expensive alternatives to day care. It is also felt that day care should be considered as a component of a protective service plan—a mandatory service as outlined in Section 221.9 (b)(15). Curtailing day care could mean added educational costs and services in the future and will increase the present burden on juvenile authorities. The cost of meeting the children's needs now is minimal compared to what it will cost in the future if the needs are not met.

Creating a self-sufficient child means a self-sufficient adult in the future. The federal regulations ignore the needs of children and are concerned only with the financial status of the parents. We need provisions to meet the needs of children—particularly those who are deprived culturally, economically, socially, emotionally, physically, etc. To produce a self-sufficient adult in the future, these children's needs must be met and day care can often be the only resource to meet these needs.

Frequent rechecks on eligibility result in additional stress on the family and additional staff to administer. This, in effect, diverts already depleted funds into higher administrative costs. Associated with this concern for overly-restrictive eligibility statements, we wish to express a strong endorsement of Governor McCall's February 23, 1973, response to the proposed regulations, particularly the section dealing with the purchase or provision of services for *groups*. We believe that the state should have some flexibility in dealing with the eligibility of specific groups, such as migrants and Indians as their needs are unique and they need special consideration.

Through family or center day care, we can meet the special needs of children as well as provide sound educational services to parents on childrearing and development. However, meeting these goals is dependent on adherence to high standards as incorporated in the "Federal Interagency Day Care Requirements." On page two of this bulletin it states, "It is the intent of the Federal Government to raise and never to lower the level of day care services in any State." In Oregon we have been working for many years to broaden the concept of day care from custodial care to programs which promote the normal development of children. We propose the inclusion of broad guidelines or model licensing codes which will aid and support states in achieving goals and objectives for care of children to ensure that day care does not regress to a custodial level.

Sincerely,

Mrs. RUTH BERGER,
*Chairman,*
*Day Care Advisory Subcommittee.*

Mr. PACKWOOD. Mr. President, on February 14, when these proposed regulations first became known, I joined with 45 of my Senate colleagues in formally protesting the changes, and expressing our grave concerns over their impact. Our letter to HEW Secretary Weinberger follows:

FEBRUARY 14, 1973.

Hon. CASPAR WEINBERGER,
*Secretary of Health, Education, and Welfare, Washington, D.C.*

DEAR MR. SECRETARY: We are extremely concerned about reports that forthcoming social service regulations may make fundamental changes in the operation of federally-assisted programs in the fields of day care, aid to the elderly, mental retardation and juvenile delinquency.

In particular, we would like to register our strong opposition to the reported administrative repeal of existing provisions which permit the use of privately contributed funds—from charitable organizations such as the United Way of America—to make up the required local or state match. This proposed change would seriously undermine the excellent existing private-public partnership approach to human problems. These kinds of cooperative efforts should be encouraged rather than discouraged.

Such an extreme change in the existing social services program is unwarranted. Fears of an uncontrollable budget in this area were resolved by the $2.5 billion ceiling on Title IV–A which the Congress adopted last year. And less extreme proposals for dealing with isolated examples of abuse have been offered by individuals such as former Secretary Richardson. We are attaching for your information a copy of a letter Secretary Richardson sent to Representative Wilbur Mills last October concerning this issue.

In addition, we would like to express our concern about other parts of the reported new regulations such as those which would repeal the current use of in-kind contributions for the non-federal match, deny day care eligibility to former welfare recipients just after this day care program has permitted them to find employment and leave the welfare rolls; and raise serious questions about whether the Federal Inter-agency Day Care Standards—which establish minimum protection for children in federally assisted day care and which have been in effect for the past 5 years—will continue to apply.

We respectfully request that we be informed in advance about any proposed changes in areas such as these, and that if and when any changes are proposed they be available for public comment and later revision.

With warmest personal regards,

Sincerely,

Mondale, Javits, Ribicoff, Packwood, Stevenson, Abourezk, Bayh, Beall, Brooke, Burdick, Case, Church, Cranston, Dominick, Eagleton, Fulbright, Gravel, Hart, Hartke, Hatfield, Hathaway,

Huddleston, Hughes, Humphrey, Kennedy, Mathias, McGee, McGovern, McIntyre, Metcalf, Moss, Muskie, Nelson, Nunn, Pell, Percy, Randolph, Schweicker, Stafford, Stevens, Taft, Tunney, Williams, Clark, Montoya, and Symington.

Mr. PACKWOOD. Mr. President, in the days following publication of the IV–A proposed regulations, I heard from numerous Oregonians protested both the substance of the proposals, and also the short time permitted for the submission of comments. Many Oregonians wish to prepare not just superficial negative comments on the regulations, but specific and substantive responses on the impact of these regulations on the various program areas. I, therefore, again wrote Secretary Weinberger on February 28, urging that the deadline for receiving comments be extended to permit time for the completion of detailed analyses and evaluations. In my judgment, officials at HEW must be provided with the specifics to fully understand the impact of the changes envisioned in their proposals.

Mr. President, as a third step, I have joined with several of my colleagues in cosponsoring legislation to protect Oregon from the most serious and disastrous potential effects of the proposed regulations. Our bill would permit the continued use of voluntary contributions and in-kind for the matching requirements; would retain the State's existing authority to determine eligible recipients, including potential and former; would continue to permit States to furnish education, health, mental health, employment, and drug and alcohol treatment programs, and comprehensive service programs for children, the elderly or the disabled; would retain existing reporting requirements; and would continue use of the Federal interagency day care standards.

Mr. President, may I take this one further opportunity to urge reconsideration of the proposed guidelines to conform with the very real needs of current, former, and potential welfare recipients. If these Americans are ever to remove themselves from the welfare rolls, and attain self-sufficiency, surely we need more realistic and equitable regulations for title IV–A.

Mr. President, based upon my communications with the Department of Health, Education, and Welfare, I am confident that revisions will be adopted to avoid the serious implications of the proposed regulations. Needless to say, it would be far preferable to work through the regulatory process than to pass additional laws. But this failing, I am hopeful that the Senate will not hesitate to move quickly to adopt our bill, S. 1220, to remove the fear and uncertainty of the current situation.

## THE FIGHT AGAINST WHITE-COLLAR CRIME

Mr. JAVITS. Mr. President, a booklet prepared by the U.S. attorney for the southern district of New York, Whitney North Seymour, Jr., advises businessmen on the nature, extent, and prevention of white-collar crime. It discusses steps that business executives should take to combat consumer frauds, securities violations, tax evasion, price fixing, commercial bribery, kickbacks, embezzlement, and the misuses of foreign bank accounts.

This excellent booklet merits the closest scrutiny by businessmen everywhere, and will, I believe, be found most useful by my colleagues. And, because the cooperation of the business community is so essential in restraining and reducing white-collar crime, I ask unanimous consent that the text of the whole booklet be printed in the RECORD.

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

FIGHTING WHITE COLLAR CRIME

INTRODUCTION

Only recently have Americans come to recognize that a thief is a thief, whether he is a college graduate or a high school dropout. Throughout the pioneer period in American history, anything went when it came to economic growth, but in the more recent period of economic stability and maturity, more and more people have become aware of the harmful impact when businessmen and professionals violate standards of conduct in order to satisfy the same basic greed and avarice as that of the common burglar.

Criminals in high places contribute to the breakdown of law and order out of all proportion to their numbers, because of the high visibility that usually attaches to their conduct. As a result, when a man steals hundreds of thousands, or millions of dollars by defrauding investors or consumers, by il-

legally manipulating the stock market, or by cheating on his income tax, and then only receives token punishment, the rest of society looks on with disgust and dismay.

The most distressing aspect of white collar crime is that those who should be doing the most to stamp it out—the honorable businessmen and decent professionals who are sullied by illegal conduct in their ranks—are frequently the most silent when it comes to exposing white collar crime or publicly condemning it. We know from our studies of heroin addiction that one of the most important contributing factors in the spread of drug use is the attitude of the peer group—the influence of teenagers on classmates and friends. The same is clearly true of white collar crime. If business and professional men condone or encourage fraud and cheating, it will spread. If they speak out against illegal conduct and see that it is reported to the proper officials, it can be brought under control.

Many people have told us that they do not know how to look for business or securities crime, or what they should do if they come across situations that arouse their suspicions. The purpose of this document is to provide some helpful guideposts to the different types of more common white collar crime to help members of the business and professional community identify trouble signs which should be inquired into or reported.

The United States Attorney's Office for the Southern District of New York is located only a few blocks away from Wall Street and the financial community, and the staff stands ready to take prompt action whenever questionable conduct is brought to its attention. If requested, every proper precaution will be taken to protect the identity of persons who provide information and to help prevent possible reprisals. Those who cooperate with the government will have the satisfaction of upgrading the ethical standards of the business community and of seeing that prompt action is taken against illegal conduct—without fear or favor—whenever the evidence warrants.

MODUS OPERANDI OF WHITE COLLAR CRIMINALS

*I. Ponzi game*

The so-called "Ponzi" game is one of the most elementary and effective schemes used by white collar criminals to defraud the public. Investors are usually lured with outrageous promises of financial gain, coupled with "no real financial risk." To make the Ponzi game work effectively, a number of people must first be induced to invest in whatever is being offered; this can range from real estate or mutual funds, to offshore banks offering high interest rates. Usually the early investors will receive what they were promised. They are then counted on to "spread the word" and promote the scheme. Like a chain letter, more and more people are lured into the Ponzi game, and also like a chain letter, those who join last are the losers. Why? Because the promoters of the scheme usually lack either the intention and/or the ability to live up to their extravagant promises. The early investors are repaid with the money of later investors and after the promoters of the scheme have taken a generous stipend there is little left to recompense those who have joined the scheme in its final days. Finally, the promoters run out of investors or become greedy and the scheme collapses. The Raffer case described in the next section is an excellent example of a Ponzi game.

To protect against these "too good to be true" investment schemes a potential investor should ask himself (and others) just why it is he has been promised such a generous profit. The backgrounds of the principals should be investigated carefully. Often elaborate franchising frauds will demand an exorbitant sum to obtain the franchising "rights." Fees such as this should be compared to those elsewhere in the industry. Any investment which promises "no risk" and a "fantastic rate of return" should be avoided unless one is convinced, after careful investigation, of the propriety and experience of the individuals involved and the soundness of the financial structure.

*II. Irregular business procedures*

Most legitimate business transactions involve paperwork: invoices, cancelled checks, bank deposit slips, contracts, paychecks and formal commission agreements are all generated by normal business activity. The absence of these customary documents may often be a signal that something illegal is transpiring. A variety of white collar crimes usually requires that normal business channels be bypassed. The following are a few examples:

(a) *Brokerage Accounts*: When a client agrees to have a discretionary account (an account in which the buy and sell orders are left to the discretion of the broker) a formal written agreement is customarily signed between the customer and the brokerage house giving the broker discretionary rights. An informal verbal agreement solely between client and broker regarding discretionary rights is usually dangerous and foolhardy, and can often facilitate illegal conduct. An unscrupulous broker can use such an informal agreement to further a stock manipulation, an action he would be less likely to take with a formal discretionary account.

(b) *Bribery:* Often bribes are euphemistically referred to as "commissions." Yet they are rarely invoiced like normal commissions, or paid like normal commissions, or reported on income tax like normal commissions. Often they are paid in cash or through Swiss bank accounts. Here again, the absence of the nomal paperwork, cancelled checks, invoices, etc., is often an indicator that illegal bribery is taking place. Honest employees are often duped or coerced by superiors into believing that commercial bribes are legal commissions. In order to ascertain whether in fact certain suspicious looking payments are bribes, one should ask the following questions:

(i) Are these payments in line with widely known and recognized trade practices? (ii) Are these payments properly invoiced and paid in a manner similar to other commissions? (iii) Are the usual means of payment used? Are payments made through the same banks which are used for normal business transactions? Businessmen who agree to pay bribes are guilty of a crime and can be prosecuted as well as the individual who demands a bribe.

(c) *Loans*: Loans made in cash without a formal written agreement are another area in which the lack of normal business procedures should be a warning. Usurious rates of interest may sometimes be disguised as large "fees" for processing loans and financial services. Especially during times of tight money, companies spring up offering mortgages at low rates. However, often to "qualify" for one of these loans a prospective customer must pay an outrageous "fee." When added to the interest payments, this fee makes the loan usurious.

*III. Securities frauds*

Fraudulent stock sales take many forms. High pressure telephone solicitations by salesmen from so-called "boiler rooms" of cheap and relatively unknown stock is an old and favored approach. These promoters will make repeated calls to people with whom they are not acquainted and attempt to interest them in purchasing securities by making extravagant claims. Often this stock is either unregistered or worthless. Similarly, stock brokers will push certain stocks on their customers by making grand claims supposedly based on inside information. These brokers are often given cash bribes in exchange for their touting the stock. Corporate insiders will falsely represent the financial condition and earnings of their company for the purpose of inducing investors to purchase stock. At the same time their insiders are unloading their own stock, often through nominees or in some other secretive manner on the unsuspecting public.

Another common form of securities fraud includes artificial manipulation of the market price for a particular stock. Successful stock manipulations depend on a number of brokers, bankers, or investors agreeing together to raise or lower the price of a stock by coordinating their buy and sell orders. Brokers who take part in this kind of conspiracy are customarily rewarded with interest-free loans, stock options, a favorable price gain on their own holdings, or with cash payments. Brokers will often use their customers' accounts to further their manipulations. Often customers may find themselves being pressured to buy in and out of the same stock on repeated occasions. Such churning is usually only incidentally beneficial to the customer. Another *modus operandi* of manipulations is to do all the buying at the end of the trading day in order to have a strong effect on the stock prices reported the next day in the newspapers. Any suspicion of being "used" in a manipulation conspiracy should be reported immediately to the Securities and Exchange Commission.

*IV. Insider trading*

Insider trading is one of the most difficult of white collar crimes to uncover. Suppose that a member of the board of directors of the XYZ Corporation learns that a stock split is to be announced in two weeks. Acting on this "inside" information he then clandestinely purchases stock of XYZ Corporation, knowing that the price of the stock will rise when the announcement of the split becomes public information. The person who engages in insider trading knows that his conduct is illegal and will want to disguise his ownership of stock in his own company. To accomplish this end he may use nominees, offshore investment funds, or secret foreign bank accounts.

*V. Foreign financial institutions: Banks*

Secrecy is vital for the successful completion of a number of white collar crimes. Foreign banking institutions in Switzerland, Lichtenstein, Bahamas, Bermuda, Luxemburg, Hong Kong and other countries provide the kind of secrecy under which frauds and crimes of a varied nature flourish. Secret foreign bank accounts can perform one or all of the following services for the white collar criminal: (i) they can serve as a safe repository for illegally obtained funds; (ii) they can "wash" illegal money clean, allowing it to be transferred back to the United States or elsewhere through normal banking channels so that it is impossible to connect it with an earlier crime; (iii) they can be used actively by criminals to accomplish their crimes. Instead of being passive repositories, the foreign banks themselves may also become active participants.

As repositories for funds, foreign banks are most widely used to protect tax evaders and to insure safekeeping for funds obtained from embezzlements, bribes and other frauds such as the "Ponzi" scheme mentioned earlier. Many people involved in bribery or fraud often will arrange for payments to be made directly into their Swiss bank accounts. The use of Swiss banks, especially when it is a departure from normal business routine, should be a warning to the innocent that bribery, tax evasion, fraud or a number of other crimes may be involved.

Organized crime uses foreign banks as depositories for money obtained from everything from gambling to the sale of narcotics. Foreign banks are also used by organized

crime to "wash" illegal money. Swiss banks in particular can perform this task by currency transactions, tendering loans, and buying stocks and bonds to reinvest their customers' money.

Swiss banks are able to buy stocks for their customers on the New York Stock Exchange without using the name of the customer (although a recent Treasury regulation obligates them to identify any known U.S. residents on whose behalf they may be acting). Omnibus accounts opened by Swiss banks at New York brokerage houses allow the banks to keep the identity of their customers secret if they wish to disregard the Treasury regulations. Thus white collar criminals find it convenient to use Swiss banks to conceal stock manipulations and insider trading since Swiss bank secrecy makes it difficult for the SEC and other government agencies to find out who is the real owner of a stock in question. In the past, Swiss banks have played a more active role in white collar crimes by advancing margin to customers on stock purchases below the level set by the SEC. A number of Swiss banks have been indicted for this offense.

Is it fair to say that the use of a secret foreign financial institution always indicates a white collar crime? No, not always. But they are a favorite device of white-collar criminals and should be considered a danger sign. There are some legitimate reasons which explain why someone would want to have a Swiss bank account. These include a convenience value for someone who does a large volume of European business and wants to be close to the Euro-dollar market; the "playboy" aura of prestige that supposedly surrounds a secret Swiss account; a lack of confidence in the dollar and a desire to engage in foreign currency speculation; the desire to shield one's wealth from wife and family for domestic reasons; and finally a desire to have access to the wide range of services Swiss banks can provide. However, these reasons only account for *some* Swiss bank accounts; many accounts are opened to conceal white collar crimes. Any deals, business opportunities and financial transactions involving the use of secret foreign banks should be scrutinized with the greatest of care.

*VI. Foreign financial institutions: offshore islands*

Offshore islands are attractive to white collar criminals because of their secrecy laws, their lack of financial regulations and taxes, and the absence of vigorous prosecution of white collar crime by local law enforcement officials. Mutual funds which would be strictly regulated in this country can operate offshore with little or no requirements as to their investment and liquidity. Banks and insurance companies can also operate without the regulations imposed upon them in this country. This has delighted advocates of laissez-faire but has saddened the many investors who have found that the institution which calls itself a "bank" on an offshore island may actually be a high-risk investment company in disguise. Others have taken out bargain rate insurance policies from offshore companies after seeing impressive-looking but unaudited balance sheets. Before going offshore, potential investors should be especially careful. Are the balance sheets audited and by whom? Who are the members of the board of directors? What have they done in the past and are they really *on* the board? (One offshore fund recently put a number of prominent Canadian bankers on its board without their knowledge or consent.) In general the same caveats apply to these offshore financial institutions as do to the Swiss banks. They are a favorite tool of white-collar criminals.

*VII. Other business crimes*

In addition to the foregoing techniques of white collar crime, the more traditional forms of business crime continue to occur with alarming frequency:

(a) *Bid-Rigging.* Collusion among business firms agreeing in advance on bids submitted on competitive bidding contracts is still an area of serious concern. The technique is simplicity itself—comparing proposed bids in advance and permitting the firm whose "turn" it is to submit the "low" bid, while other firms submit higher figures to insure the award going according to plan. Usually the participation of all bidders is necessary.

(b) *Kickbacks.* Too many businessmen and Government procurement officers still believe that the standard way to do business with government agencies is to pay something under-the-table to the official responsible for placing the order or approving the contract. In recent prosecutions, elaborate subterfuges such as Swiss bank accounts have been used as conduits for such illegal payments, but more rudimentary techniques, such as delivering cash in a plain envelope, are still practiced.

(c) *Price-Fixing.* By and large, the business community has become educated as to what conduct violates the antitrust laws, but sales executives are still tempted to shortcut open competition by engaging in price agreements, divisions of territory, allocation of customers, or other illegal anticompetitive practices.

(d) *Fraud.* Business frauds take many forms, and can only be halted by vigilance and prompt enforcement action. Frauds can involve franchises, consumer selling, government contracts, insurance claims, and many other forms of commercial transactions. The essential element is a preconceived plan to gain profits by cheating.

(e) *Embezzlement.* Banks are particularly susceptible to embezzlement by dishonest officers and other employees. Stricter background checks of personnel and closer internal supervision could contribute dramatically to a reduction of this form of criminal activity.

(f) *Official Corruption.* Most businesses have some contact with government agencies, even if it is only with their postman. The notion that the only way to obtain proper service is by giving a gratuity is the starting point for more serious bribe attempts. Those who seek favored treatment from government through corrupt payments are prime targets for enforcement activities by the United States Attorney's Office and most other law enforcement agencies.

(g) *Tax Evasion.* Although all businessmen share a natural aversion to the tax collector, in common with most mankind, there are those who engage in deliberate and wilful patterns of concealment of income through double sets of books, false expenditure vouchers and invoices, and other deliberate deceptions. These practices cheat all other taxpayers. It is important for businessmen to keep in mind the distinction between seeking favorable tax treatment after making full disclosure of income and expenditures (which might be the basis for a civil tax proceeding), and a conscious pattern of deception and concealment designed to hide income or falsify expenses (which provides the basis for criminal prosecution). The latter type of tax evasion can never be accepted in a political democracy in which each citizen is expected to contribute his fair share toward the cost of Government. Such tax fraud is the prime target of criminal tax investigations and prosecutions.

* * * * *

In the following section are listed summaries of a number of indictments and trials of white collar crime cases in the Southern District of New York in the past two or three years. They are arranged under various broad classifications. A study of these cases will provide a more detailed understanding of the type of offenses which most frequently occur.

ILLUSTRATIVE WHITE COLLAR CASES

*Banking violations*

*United States* v. *Herman Arthur Bonhag:* On September 25, 1972, Herman Arthur Bonhag, a former Assistant Vice President and branch manager of the First National City Bank, was indicted on forty-eight counts of falsifying the bank's records to conceal embezzlements of $1,142,000. The largest single transaction alleged in the indictment involved the embezzlement of $800,000 belonging to the World Division Board of Missions, which Bonhag deposited into a fictitious account in June, 1971.

*United States* v. *Charles Bradley Knower:* On October 13, 1970, Charles Bradley Knower, Trust Officer of the American Bank and Trust Company, was indicted for misapplication and embezzlement of bank funds. The indictment charged that, over a 15-month period between September, 1968, and December 1969, the defendant embezzled a total of $529,194.62. The defendant entered a plea of guilty on March 26, 1971 and was sentenced to eight years imprisonment.

*Business frauds*

*United States* v. *Peter M. Bekeny, et al.:* On April 14, 1971, a mail fraud indictment was filed charging a scheme to obtain money through an overseas oil investment selling plan against the two defendants connected with American Business Industries International, Inc., which is also named as a defendant. The indictment charged a scheme to swindle job applicants seeking new opportunities to work in the overseas investment field. The alleged scheme involved placing advertisements in various foreign language newspapers soliciting applications from persons interested in overseas distributorships of interests in United States oil ventures. Applicants were required to pay a fee of up to $2,950 to obtain their distributorship, often being falsely assured that the $2,950 fee was refundable and that when they arrived overseas they would be entitled to draw $1,200 per month plus expense money, would be given training classes, and would qualify for a retirement plan valued at $13,000. Representations were made to the job applicants that they were to represent The Oil Group Company, which, they were falsely told, had invested substantial sums for overseas investors, owned a million acres of land on which it hoped to find oil, and was associated with a number of companies actually engaged in the oil business.

The indictment alleged that among the other false statements made to prospects was a claim that the New York corporation had a high Dun and Bradstreet rating and was a member of the German American Chamber of Commerce. Prospects were told that one distributor working in Germany had earned $235,000 in a single year selling limited partnership shares.

*United States* v. *Jerome D. Hoffman, et al.:* On May 6, 1971, a Federal Grand Jury filed a thirty-two count indictment charging a business executive and two corporations with a $1,000,000 mortgage fraud, involving over 500 victims. The defendants were identified as Jerome D. Hoffman, an investment banker, and the Institutional Monetary Corporation and Criterion Marketing Report, Inc.

The offense charged in the indictment was a complex scheme to defraud persons seeking mortgage financing. According to the indictment, Mr. Hoffman and one of the corporations, Institutional Monetary Corporation, sent letters to various real estate brokers, engineers, builders, architects, and others throughout the United States soliciting applications for mortgage money. When such applications were received, the defendants would require the applicant to pay between $550 to $750 to the corporation for an on-site inspection of the real estate. Then, fol-

lowing the inspection, Mr. Hoffman and IMC would send a telegram to the applicant asking him to come to the IMC Offices in New York City "for early consummation of the loan."

When the mortgage loan applicant appeared, the indictment continued, Mr. Hoffman would tell the applicant that in order to obtain a mortgage he would be required to obtain a report from the other corporate defendant, Criterion Marketing Report, Inc., which he said would be prepared by a panel of real estate experts. The cost of such reports ranged from $2,500 to $25,000. Mr. Hoffman represented to the applicant that he had access to a fund which had money available to make the mortgage loan provided the applicant had obtained a favorable report from Criterion Marketing Report, Inc. The indictment charged that this representation was entirely false, that no such fund existed, and that the Criterion Marketing Report, Inc. was not required by any fund or investor in order to obtain mortgage financing.

On December 14, 1971, all defendants pleaded guilty, and on February 14, 1972, Hoffman was sentenced to two years in prison and the corporations were each fined $1,000.

*United States* v. *Joseph Fryzer, et al.:* On June 2, 1971, three persons were charged in a 14-count indictment with defrauding Diners Club, Inc. of approximately $600,000 through false billing. The defendants were Joseph Fryzer, David Alexander and Gerald Anthony Branio. Fryzer and Alexander were the President and Vice-President, respectively, of Action Temporaries, Inc., and Action Computer Services, Inc. Branio was a vice-president of Diners Club in charge of data processing. Action Temporaries and Action Computer Services provided temporary personnel and key punch services for Diners Club, Inc. for a fee. During 1970, Fryzer and Alexander, assisted by Branio, padded their companies' bills to Diners Club by submitting fraudulent time sheets which reflected names of some personnel who performed no work on behalf of Diners Club and others who worked fewer hours than reflected on the time sheets.

All the defendants entered pleas of guilty. Branio received a one-year prison sentence. Both Fryzer and Alexander were placed on three years probation.

*United States* v. *John Arden, et al.:* In an indictment filed on June 23, 1971, John Arden, Seymour Pollack, Robert Evans, Raymond Pierson and Joel White were charged with participation in a scheme to defraud various businesses that were seeking financing.

At trial the Government's proof showed that in order to carry out their fraud, the defendants first created the Mid-Continent Investment Co., Inc. (MCIC). Thereafter, the defendants fabricated a reassuring credit picture for MCIC by the following means: a bank account in which was deposited the proceeds of a $100,000 loan; a portfolio of worthless or overvalued assets; a fictitious balance sheet; and a counterfeit Dun & Bradstreet report which was circulated to prospective victims. Operating behind their facade, the defendants enticed various businesses in need of financing to pay substantial fees to MCIC in return for written commitments of future loans. These commitments were never honored.

Raymond Pierson pleaded guilty and was sentenced to six months in jail and one year of probation. After a trial, Arden, Evans and Pollack were convicted. White was acquitted. Arden and Evans each received a suspended sentence, a year's probation and were fined $1,000 and $3,000 respectively. Pollack was sentenced to two years in prison.

*United States* v. *John P. Bauer and Bauer International Corp.:* Bauer International Corp. and its President and sole shareholder, John P. Bauer, were both indicted on February 15, 1972, and charged with manipulation of the shell egg futures market.

The indictment alleged that Bauer had a short position in egg futures on a number of days in November 1969 and January 1970, a period of rising egg prices. In order to mitigate the losses which would eventuate from such a position, Bauer unleashed a scheme to artificially depress the price of egg futures, traded on the Chicago Mercantile Exchange, by duping the news media into publicizing a purported arrangement to purchase large quantities of Spanish eggs.

To effectuate his scheme, Bauer allegedly delivered a series of misleading press releases to the media over a period of several weeks, beginning in late November 1969. These releases falsely indicated that as a result of its support program, the Spanish Government had accumulated a huge stock of eggs, thirteen million dozen of which had been purchased by Bauer and would soon be reaching the American market.

On October 2, 1972, Bauer pleaded guilty and was sentenced to two months in jail. The charges against the now defunct corporate defendant were dismissed.

*United States* v. *Arthur Della Rocca and William Courtney, et al.:* On February 17, 1972, two mortgage brokers, Arthur Della Rocca and William Courtney, were charged with defrauding borrowers out of hundreds of thousands of dollars in advance fees for non-existent mortgage financing.

At trial, the Government proved a scheme in which the defendants pretended to be associated with or have control of various lending institutions, such as Swiss Banks and domestic insurance companies, which purportedly had capital available to loan to persons seeking business financing. In this manner, while lacking both the ability and the intent to produce the promised financing, the defendants were nevertheless able to collect advance fees from a number of prospective borrowers ranging from $7,500 to $110,000. Thereafter the defendants sometimes explained that the loans had been delayed or had otherwise met with difficulty, or they produced fake documents indicating that the loans were in process. On other occasions the defendants produced worthless documents from a one-man Swiss financial institution, claiming that these were bankable letters of credit capable of financing the promised loans.

On September 21, 1972, after a three-week trial during which the Government was able to prove the above fraud to the extent of $388,000, the defendants were convicted. Both were sentenced to five-year jail terms.

*United States* v. *Herbert H. Hamilton, et al.:* On April 12, 1972, four men and two corporations were charged with violation of the United Nations sanctions against trading with Rhodesia.

The indictment charged the defendants Herbert Hamilton, a Cincinnati businessman, David Patterson, a Bahamas businessman, Conrad Wysocki, an engineer, Edward Bartlett, Vermont Tax Commissioner, IDI Management and Margas Shipping Inc., with violation of the United Nations Participation Act, the Federal Conspiracy Statute, the Export Control Law, the President's Executive Order 11419 which prohibits trade with Rhodesia, and regulations of the Commerce and Treasury Departments.

The defendants and their agents arranged construction of a $50,000,000 chemical fertilizer plant for Sable Chemical Industries, Inc. in Que-Que, Rhodesia. They also entered into a secret agreement with the Rhodesian Government for shipment of $5,000,000 worth of ammonia to be supplied to Sable in Que-Que for conversion into fertilizer, and constructed a $2,250,000 storage facility for the ammonia in Lorenco Marques, Mozambique. A string of corporations in Rhodesia, South Africa, Mozambique, Liechtenstein, Belgium, Bermuda, the Bahamas, Panama and the United States were involved in the scheme, and two Swiss banks were used to conceal the identity of the defendants.

Construction plans for the Rhodesian plant were picked up in Louisville, Kentucky, at the offices of C and I Girdler for smuggling into Rhodesia. IDI Management and Margas caused an account to be opened at the Union Bank of Switzerland for the purpose of concealing the identity of the principals in connection with these Rhodesian transactions and a Union Bank of Switzerland trust officer formed a Liechtenstein corporation at the request of IDI Management and Margas for the purpose of further concealing the identity of the principals. Arrangements were made with the corporate defendants and their agents to reinvest the profits from the chemical plant by funneling payments through a Bermuda corporation. This was the first criminal prosecution under the 1968 Executive Order prohibiting trade with Rhodesia.

All the defendants pleaded guilty and were fined a total of $141,500.

*United States* v. *Hyman Boxer, et al.:* On April 19, 1972, five men were indicted and charged with a scheme to defraud numerous pharmaceutical manufacturers and to obtain products valued at over $1,000,000. The defendants were: Hyman Boxer, former owner of the H. Boxer Wholesale Drug Co.; Joseph Fascenelli, an associate of Boxer's; Norman Bank and Joseph Scotto, employees of All Nations Freight Forwarding Co.; and Madi Ayachi, a Tunisian national.

The indictment charged that the defendants, knowing that pharmaceutical products are offered by manufacturers to foreign governments and foreign hospitals at prices substantially lower than the prices at which they are offered to purchasers located in the United States, purchased these products at a total saving of over $500,000 to themselves by pretending that they were representing foreign governments and hospitals and that the products were being purchased for use overseas.

The alleged scheme required Boxer, Fascenelli and Ayachi to purchase large quantities of pharmaceuticals at the lower, foreign price, which were transferred to the All Nations Freight Forwarding Co., ostensibly for overseas delivery. There, the major portion of these shipments would be routed to the H. Boxer Wholesale Drug Co., while defendants Bank and Scotto allegedly issued false bills of lading to the manufacturers indicating that the cartons of pharmaceuticals had been sent overseas. The indictment charged that in fact, only one carton per order had been so shipped.

*United States* v. *Arthur Shain, et al.:* On August 14, 1972, three defendants were indicted for defrauding two thousand job applicants out of $1,300,000. The defendants were: Arthur Shain, Chairman of the Board and sole stockholder of Harvard Executive Research Center, Inc., which became Career Search International, Inc. in 1969; Jack Kuscher, President of "Harvard Executive" and "Career Search"; and Kurt Borenstein, former manager of The Commercial & Financial Division of The Better Business Bureau of Metropolitan N.Y., Inc. The placement service operated by Shain and Kuscher had its main office in New York City with branches in Boston, Pittsburgh, Philadelphia, Washington, D.C. and Los Angeles.

The indictment charged that advertisements were placed in newspapers throughout the country stating that Harvard Executive and Career Search were the world's largest executive placement services and needed hundreds of executives for job openings. Applicants were solicited to write or call at no cost or obligation and were then invited to come in for an interview, during which they were asked for "refundable deposits" ranging in amount from $300 to $3,000. It is alleged that in this manner Shain and Kuscher collected $1,900,000.

The indictment also charged that the defendants paid Kurt Borenstein $50.00 and later $75.00 per week to give good reports

concerning Harvard Executive and Career Search to persons who inquired of that organization prior to placing a deposit.

When the applicants became dissatisfied with Harvard Executive's efforts to secure employment (only about 60 out of approximately 2,000 applicants ever received jobs) and demanded a refund of their deposits, Shain and Kusher stalled them with various excuses and delaying tactics until June 1970, when they went out of business, still owing the applicants approximately $1,300,000.

*Commercial bribery*

*United States* v. *Frank Callahan, et al.:* On October 5, 1972, six separate indictments were filed charging nine corporate executives and five corporations with bribery in the form of kickbacks to a purchasing agent for Fiat, S.P.A., an Italian manufacturer of automobiles and military aircraft. The individual defendants and their corporations were as follows: Armando Riesgo, President, American Metals Service, Inc.; Al Maiolo, President, Aero and Hardware Parts Co.; Frank Callahan, former President of Jenks Metals Export, Inc. (subsidiaries of the Whittaker Corp.); Charles Hohne, officer, Industrial Metals, Ltd.; Bergthor F. Endressen, President, American Avitron, Inc. (a 50% owned subsidiary of Lear Siegler Corp.); Fred J. Lazard, Jr., John V. Cartier and Hilda F. Miedelman, President, Vice President in charge of Sales and Treasurer, respectively, of Aviquipo, Inc.; and Curtis Baldwin, the alleged recipient of the bribes.

The indictments charged that the above executives devised elaborate financial subterfuges to pay illegal bribes to Baldwin, the U.S. Purchasing Agent for Fiat, in connection with orders for various metals and aircraft engine parts purchased from their companies. In order to conceal the true recipient of these payments, they were made to a nominee of Baldwin through numbered accounts in the Swiss Credit Bank. Payments were also allegedly made to other nominees of Baldwin in the United States and on some occasions directly to Baldwin himself. The concealed kickbacks itemized in the indictments exceeded $200,000.

*Consumer frauds*

*United States* v. *Arthur Siegel, et al.:* On January 27, 1972, a Federal Grand Jury filed an indictment charging three persons with fraud in connection with the service of affidavits in landlord-tenant proceedings. Named in the indictment were Arthur Siegel, an attorney; Allen Miller, a licensed process server who was employed by Siegel; and Helen Miller, who was employed as a secretary and notary public in Siegel's office.

The indictment charged the defendants with securing default judgments in numerous eviction cases, brought on behalf of landlords, by falsely swearing that the tenants had been served with notice of the impending eviction actions, when in fact they had not.

It was also alleged that the defendants secured default judgments and evictions by means of false "non-military" affidavits. Federal law prohibits default judgments against members of the military. Consequently in any eviction action a default judgment cannot be granted unless it is first shown that the tenant is not in the military service. The indictment charged that the defendants filed "non-military" affidavits in landlord-tenant court, wherein it was sworn that the military background of the tenants had been investigated and it had been ascertained that they were civilians, when in many cases, no such investigation had been made.

Allen and Helen Miller have pleaded guilty to both sets of charges described above. Siegel pleaded not guilty and was convicted after trial for the use of false non-military affidavits. He subsequently was sentenced to six months' imprisonment.

*United States* v. *Bernard Eisenstadt*: On May 8, 1972, Medical Seminar Tours, Inc. and Group Voyages, Inc., two defunct travel agencies, and their President, Bernard Eisenstadt, were charged with a scheme to defraud their customers.

The indictment charged that Eisenstadt fraudulently advertised that his agencies would make travel arrangements for doctors, dentists and other medical personnel, including reservations for transportation, accommodations, meals, guided tours and medical seminars in foreign countries. Eisenstadt would allegedly demand and accept pre-payment for the travel arrangements and then wilfully fail to make them. After about two years of operation, Eisenstadt fled and is now a fugitive.

*United States* v. *Columbia Institute of Languages, Inc. et al.* and *United States* v. *George Delatorre*: On May 11, 1972, Enrique Garcia, Ernesto Garcia, and Dario Salcedo, the operators of a home-study course for Spanish-speaking persons, along with the Columbia Institute of Languages, Inc. were indicted for consumer fraud. The indictment charged a criminal conspiracy by which persons of Spanish background desiring to learn to speak English were victimized by hard-sell techniques.

The defendants sold their language instruction course through door-to-door salesmen and by means of advertisements in the Spanish-language media. It was allegedly misrepresented to potential customers that professors would come into their homes and teach them to use the "Language Laboratory", a combination tape recorder and phonograph, sold as study equipment at a profit of 500%. The indictment also charged that some customers were told their lessons would be graded by professors from Harvard University, and that they would receive diplomas upon completion of their home study course.

In *United States* v. *George Delatorre*, a related case, the defendant was the former general manager of Lincoln Budget Co. and Interstate Budget Corp., two of the finance companies which purchased the contracts of the Columbia Institute of Languages. He was charged with receiving kickbacks on Columbia contracts whose purchase he approved.

Columbia is alleged to have made out about $23,000 worth of checks in the names of fictitious persons supplied by Delatorre, and then delivered these checks to him.

After the Grand Jury began hearing evidence on the case, Delatorre allegedly directed a witness to commit perjury and himself lied about the transaction.

Delatorre has pleaded guilty to ten counts of extrortion and subornation of perjury.

*United States* v. *Wucker Furniture, et al.:* On August 10, 1972, the largest and oldest retail furniture store in Harlem and two branch New York City stores were charged with engaging in a wide-ranging scheme to defraud their customers. Named in the indictment were the Wucker Furniture., Co., the Wucker Furniture Co., Inc. and Wucker Outlet Store, Inc. The indictment charged that the defendants' fraudulent practices were principally directed at low-income, Spanish-speaking and black, ghetto consumers.

More specifically, the indictment charged the defendants with systematically engaging in fraudulent "bait and switch" selling. This tactic was used to "bait" or lure unsuspecting consumers to the stores in pursuit of "specials" which had been widely advertised at attractively low prices in New York newspapers and in direct mailings, but which the defendants had no intention of selling. The consumer would be deliberately "switched" to a considerably more expensive, unadvertised item. The "switch" was accomplished through a variety of fraudulent and deceptive devices including: the reported unavailability of the advertised item or of an indefinitely lengthy period for delivery; the physical disfiguring of the advertised item; the display of the advertised item in a manner calculated to discourage its purchase and; the outright "knocking" or disparagement of the advertised item as shoddy, undesirable and of poor quality and workmanship.

The indictment also charged two of the defendants, Wucker Furniture Co., Inc. and Wucker Outlet Store, Inc. with selling renovated and used furniture and bedding as new, without disclosing that such items were not new, and with failing to have yellow labels, identifying them as used, attached to such item as required by law.

The indictment further charged that the defendants falsely advertised on a regular basis that "free gifts" would be given to any consumer who purchased an item at any of the defendants' stores. In fact, the consumer was charged for the supposed "gift," often at an exorbitant price, through a concealed addition to the cost of the item purchased. Similarly, the defendants were also charged with falsely advertising and misrepresenting to consumers that they could trade in their old furniture or appliances and receive an allowance which would reduce the price of the new item which they were purchasing. The defendants circumvented payment of the allowance by inflating the purchase price by an amount equal to it.

On August 28, 1972, the defendants entered pleas of guilty. On October 24 the defendants were fined a total of $75,000.

*Government fraud*

*United States* v. *Arthur J. Freeman:* On April 13, 1971, a 14-count indictment was filed charging Arthur J. Freeman, a doctor, with making false claims for payment under the Federal Medicare program. The indictment charged that Dr. Freeman submitted fraudulent forms to the Social Security Administration seeking payment for medical treatments allegedly performed on 13 different patients. The indictment was believed to be one of the first prosecutions since the program was adopted in 1965. The defendant passed away after an October, 1971 mistrial.

*United States* v. *BSR (USA) Ltd. et al.*: On June 21, 1971, a Federal Grand Jury filed a 55-count indictment charging a British manufacturer of record changers and parts, its Bermuda and American subsidiaries, and the Traffic Manager of the American subsidiary with conspiring to make false statements to the United States Bureau of Customs and to smuggle shipments of record changers and parts valued at over $1,000,000 into the United States. The defendants were BSR Ltd. of Warley, Worcestershire, England, the world's largest manufacturers of record changers with gross sales of over 55 million dollars according to its 1970 Annual Report; Discus (International) Ltd., its Bermuda sales subsidiary; BSR (USA) Ltd., its American distribution subsidiary based in Blauvelt, New York; and Thomas Tesi, the Traffic Manager of the American subsidiary.

The indictment charged that as a part of the conspiracy the defendant, BSR Ltd. prepared false shipping documents for containerized shipment to the United States so as to understate the true quantity and value of the shipments and that the defendants BSR (USA) Ltd., Discuss (International) Ltd. and Thomas Tesi caused false statements to be made to the United States Bureau of Customs in order to defraud the United States of lawful customs duties. The indictment charges 54 occasions over a more than four-year period when the defendants are alleged to have made false statements to the United States Bureau of Customs and to have smuggled record changers and parts into the United States.

*United States* v. *Bernard Levere and Macbern Construction Co.*: On March 23, 1972, the Macbern Construction Co. and its Presi-

dent, Bernard Levere, were indicted and charged with making false statements and concealing material facts in connection with a Federal Housing Administration (FHA) insured mortgage. The indictment further charged that Levere had committed perjury before a Federal Grand Jury.

Levere entered a bid on FHA insured renovation of three Manhattan brownstones and allegedly concealed certain facts in order to obtain the requisite FHA approval. Thereafter, in order to receive periodic, progress payments from the mortgage bank, Levere is also alleged to have submitted statements to the project architect, falsely stating that the sub-contractors had been paid.

Later, at the Federal Grand Jury investigation of this matter, Levere made several allegedly perjurious statements.

Levere has pleaded guilty to one of the counts in the indictment.

*United States* v. *Joseph P. Candella, et al.*: On May 4, 1972, a ten-count indictment was filed charging a moving company and its two principal officers with submitting padded bills in connection with the New York City Urban Renewal Program. Under this program, the City is reimbursed by the Federal Government for various costs, including moving expenses in connection with relocating tenants. The indictment named as defendants Joseph P. Candella, and John Kevin Gilgan, who are vice-president and president, respectively, of Beacon Moving and Storage Inc., the corporate defendant.

The indictment charged that between February and July, 1971, the defendants prepared padded bills of lading, in connection with five moving jobs of commercial tenants, in which they inflated both the number of men listed as working and the number of hours worked. The fraudulent claims totaled $150,000.

*Official corruption*

*United States* v. *Robert T. Carson, et al.*: On January 13, 1971, a special Federal Grand Jury in the Southern District of New York filed a four-count indictment charging Robert T. Carson, Administrative Assistant to United States Senator Hiram Fong of Hawaii, Edward Adams, and Joseph Bald with conspiring to fix a Federal criminal securities case in return for $200,000. The indictment included allegations that during the course of the conspiracy Carson approached the Deputy Attorney General of the United States in an effort to quash certain criminal charges pending in this District. On November 8, 1971, Adams and Bald pleaded guilty to one count each. On November 20, 1971, Carson was found guilty on two counts and was subsequently sentenced to 18 months in prison and fined $5,000. Adams received a fine of $5,000 and was placed on probation for three months. Bald was sentenced to two years, all but four months of which were suspended.

*United States* v. *Frank Terranova:* On March 25, 1971, three men, Frank Terranova, Robert A. Bernstein and Michael E. Russo, were indicted on bribery charges involving kickbacks to a Federal official, in connection with the award and fulfillment of Government contracts.

Terranova was the former Chief of the Paper Products Section of the General Services Administration, where he had been charged with the responsibility for awarding and supervising contracts for the purchase of paper by the Federal Government. Russo was formerly the president of Data Press, Inc., a manufacturer of carbon paper sets. Bernstein was an attorney.

The indictment charged a conspiracy among the three defendants whereby Terranova received kickbacks on money paid by the United States to Data Press, for the purchase of carbon paper sets. Russo allegedly paid the bribes to Bernstein who would then transmit the money to Terranova.

*United States* v. *J. Howard Deardorff, et al.*: On January 28, 1971, a special Grand Jury filed an indictment charging a corporate executive, as well as the Mayor and one former and one present City Councilmen of Johnstown, Pennsylvania, with bribery and conspiracy. The defendants were J. Howard Deardorff, a former City Councilman of the City of Johnstown, Irving Kahn, President and Chairman of the Board of Directors of Teleprompter Corporation; Robert McKee, a member of the Johnstown City Council; and Teleprompter Corporation, a New York corporation whose primary business is providing cable television service in a number of communities throughout the nation.

The indictment alleged that in January, 1966, the City Council of Johnstown invited competitive bids for a proposed cable television franchise, but that shortly thereafter Mr. Kahn went to Johnstown and met with Mayor Tompkins and Councilman McKee and Deardorff in order to obtain the franchise for Teleprompter. As a result of that meeting it was agreed that Tompkins, McKee and Deardorff together were to receive the sum of $15,000 in exchange for voting to award the franchise to a Teleprompter subsidiary. Since there were only five members on the City Council including the Mayor, Teleprompter was thereby assured of the contract.

In February 1966, the City Council by a vote of 4 to 1, with Messrs. Tompkins, McKee and Deardorff voting in the affirmative, awarded an exclusive ten-year franchise to Teleprompter with a ten-year option to renew.

Thereafter, the indictment alleged, Kahn and Teleprompter arranged to pay $15,000 to Mayor Tompkins in three installments and that Tompkins, in turn, gave $4,000 to each Councilman.

Kahn and McKee, who were both convicted, received five-year and three-year prison sentences, respectively. Tompkins and Dearorff, both of whom pleaded guilty, received suspended sentences.

*United States* v. *Leonard Baum, et al.*: On June 1, 1972, a Federal Grand Jury indicted two New York businessmen and their accountant for bribing an Internal Revenue Agent. Named as defendants were Leonard and Arthur Baum, the Vice-President and President, respectively, of Great American Realty Corporation, and Howard M. Cohen, an accountant.

The indictment charged the three defendants with participating in the payment of a $2,000 bribe to a Revenue Agent who was in the process of auditing the tax returns of the Great American Realty Corporation. This bribe attempt was promptly reported by the agent to the IRS Inspection Service, which subsequently conducted the investigation leading to the indictment.

*Pension and insurance frauds*

*United States* v. *John F. Maloney, et al.*: On February 10, 1971, a Federal Grand Jury indicted two lawyers and a doctor in an extortion scheme growing out of an alleged investigation of insurance frauds. John F. Maloney, a doctor, Harold Farrell, an attorney formerly with the New York City Department of Investigation, and David Sherman, an attorney, were charged with a conspiracy to extort $10,000 from an unidentified doctor in Nanuet, New York, by advising him that he was the subject of a fraud investigation by a group of insurance companies. The victim was then to pay the sum as a "fee" to one of the co-conspirators, represented to the victim to be an attorney for the insurance companies and in a position to quash the investigation.

The indictment alleged that Harold Farrell, using the name "Harold Sullivan", told the victim that he faced indictment and imprisonment for a possible 40 years under the alleged insurance company fraud investigation. Farrell then urged the victim to "retain" David Sherman. Thereafter the victim, acting on the advice of the FBI, paid $5,000 in cash to Sherman as a downpayment to kill off the investigation. Dr. Maloney is alleged to have telephoned the victim to confirm the fact that he was the subject of the insurance company investigation and to have advised him that he had actually seen the case file. Maloney was convicted, fined $2,500 and given two years probation. Farrell was convicted and sentenced to ninety days in jail.

*United States* v. *Allen Dorfman:* On December 15, 1971, Allen Dorfman, who at the time was a special consultant to the Central States Pension Fund of the International Brotherhood of Teamsters, was charged with receiving a $55,000 kickback in return for exerting his influence to obtain a $1.5 million loan from the Fund for a failing North Carolina textile concern.

In March 1967, Dorfman was appointed special consultant and de facto chief executive officer of the powerful Pension Fund Steering Committee, which was charged with recommending loans for approval by the Pension Fund board of trustees and supervising the administration of loans after they were approved. During this same month Dorfman promised to help secure a loan for the textile company, Neisco, Inc., in return for a cash kickback. A $1.5 million loan was eventually granted by the Pension Fund in June 1967, secured only by Neisco's inventory. Neisco made only five required monthly interest payments from July 1967 to August 1969, and then went into Chapter XI bankruptcy.

After a two-week trial, Dorfman was convicted and on April 26, 1972, was sentenced to one year in prison and a $15,000 fine.

*Securities frauds*

*United States* v. *Winslow, Cohu & Stetson, et al.*: On February 3, 1971, a special Federal Grand July filed a ten-count indictment charging a former New York Stock Exchange member firm, a vice-president and two employees of the firm, and one individual and one corporate customer of the firm with conspiracy to violate the Federal Margin requirements and with substantive violations of those requirements. The defendants named were:

Winslow, Cohu & Stetson, Inc., a new inactive securities firm which previously held seats on both the New York and American Stock Exchanges, with offices in New York, Rochester and other cities; Frederic S. Nusbaum, a vice-president, shareholder, and manager of the Rochester, N.Y. office of Winslow, Cohu & Stetson, Inc.; Lawrence I. Burrows, a registered representative at Winslow, Cohu, & Stetson, Inc.; Joseph Bonaparte, chief margin clerk at Winslow, Cohu & Stetson; Francis J. Bush, and, Compact of Rochester, Inc., a corporation wholly controlled by Francis J. Bush.

In substance, the indictment charged an ingenious scheme by the defendants and three conspirators to disregard the Federal margin requirements. As part of the conspiracy, Frederic S. Nusbaum and Lawrence I. Burrows allegedly solicited customers for Winslow, Cohu & Stetson by offering them credit up to 100 percent in the purchase of registered securities, and that Nusbaum employed registered representatives by offering them such credit.

The indictment also charged that Nusbaum procured cash payments from employees under his supervision for Joseph Bonaparte who, as the firm's chief margin clerk, made false entries in the firm's records. The indictment further alleged that Francis J. Bush purchased registered securities using credit extended in amounts up to 100 percent of the purchase price and that a payment was made by Bush to Bonaparte.

On August 26, 1971, Nusbaum pleaded guilty to one count and received a six month suspended jail sentence, plus a $5,000 fine.

Both Bush and the now defunct corporation controlled by him were also convicted. Bush was sentenced to one year probation. Bonaparte and Burrows have both pleaded guilty.

*United States* v. *Anthony Soldano, et al.:* On May 27, 1971, a 40-count indictment was filed charging 9 individual defendants and 11 co-conspirators with a stock manipulation scheme. The defendants were identified as: Anthony Soldano, John Dioguardi, Gary Fredericks, Michael Hellerman, Michael Caricato, Fred Goodman, Richard Greenberg, Louis Ostrer, and Morris Winter. The offense charged in the indictment was an elaborate plan for inflating the market price of stock in a franchising corporation from $5 to $42 through rigged buy and sell orders. The stock involved was that of Belmont Franchising Corporation.

According to the indictment, the scheme began in October of 1969. Defendants Anthony Soldano and Fred Goodman agreed to purchase all of the outstanding shares of Belmont, approximately 28,000 shares, at $5.00 per share and to create an artificial price for the Belmont stock. Soldano and Goodman caused various brokerage firms to utilize the "Pink Sheets" of the National Daily Quotation Service to give the false impression that these was an active market in Belmont stock. According to the indictment, a brokerage firm called Lincoln Securities was used as a vehicle for creating the artificial market and inducing others to purchase Belmont stock, which soon rose to $15 a share.

The indictment further alleged that John Dioguardi and Michael Hellerman agreed to split the profits from sales of Belmont stock by Hellerman at the inflated price. Hellerman caused co-defendant Gary Fredericks, a trader at Barad-Shaff Securities Corp. to enter the "Pink Sheets" to help in the manipulation scheme. Accounts were also opened at other brokerage firms in nominee names to purchase and sell Belmont stock as the manipulation progressed. The stock reached a peak of $42 before the price collapsed.

In addition, the Grand Jury filed three additional indictments charging the defendants named therein with perjury and false statements during the course of the investigation. Those so charged were: George Drykerman, Harvey Pollack and Edward Palermo.

Palermo pleaded guilty and received a suspended sentence and a $1,000 fine. Pollack has been convicted and given a suspended sentence and a $6,000 fine.

*United States v. Irving Projansky:* On June 5, 1971, after a 14-week trial, five men were convicted for manipulating the price of the stock of Hercules Galion Products, Inc. on the American Stock Exchange. Eight other defendants had previously pleaded guilty. The defendants were charged with artificially raising the price of Hercules Galion from July 1965 through March 1966 and then dumping the stock on the public at inflated prices early in 1966. During this period, the defendants artificially raised the price of Hercules from about $6.75 a share to a high of $14.50 a share before it collapsed to $5 a share in the latter part of 1966. As a result, the public was defrauded of about $4 million.

This scheme originated with Irving Projansky, who at the time was the Chairman of the Board of Directors of the First National Bank of Lincolnwood, Ill. and a Director of Hercules Galion, and Arthur Keller, President of the Bank. Also participating was Harry Brainin, a Director of Hercules Galion and President of the Argus Capitol Corp. which represented a group of investors who owned approximately 25% of Hercules Galions' outstanding shares. By means of various bribes, Projansky, Keller and Brainin induced a group of securities salesmen, all of whom were named in the indictment, to participate in the manipulation. The evidence at trial showed that the conspirators purchased and induced their customers to purchase huge amounts of Hercules Galion stock—close to 50% of all the Hercules Galion stock traded in this period, in order to run up its price. The defendants also arranged to purchase stock at the opening and closing of the market and entered timed bids at necessarily higher prices in order to raise the price of the stock.

The three principal defendants received sentences as follows: Irving Projansky—one year imprisonment and two years probation; Arthur Keller—one year probation plus a $5,000 fine; and Harry Brainin—three months imprisonment, and one year probation, plus a $20,000 fine.

*United States* v. *Sidney Stein, et al:* In May 1971, after a trial lasting more than three weeks, Sidney Stein was convicted of manipulating the stock of The Buckeye Corporation, a company formerly listed on the American Stock Exchange.

At the trial, evidence was produced to show that Stein, his former business partner and a number of other persons artifically supported the price of Buckeye stock for a period of fifteen months to offset news of Buckeye's $4,000,000 loss and heavy selling by the corporate management. The techniques included: purchasing the stock at a number of different brokerage houses in a number of different names, including nominee names; repeatedly placing orders to buy at the close of each day to cause the price of Buckeye to close slightly higher for newspaper publication; and bribing securities salesmen so that the latter would induce their customers to buy Buckeye stock.

Stein was sentenced to two years in prison, five years probation and was fined $20,000. Other individuals who had particiapted in this scheme were George A. Horvath, Samuel Balinsky and Frank Ebner, all of whom pleaded guilty. Horvath was placed on two years probation and received a $2,000 fine. Balinsky received six months probation and was fined $500. Ebner received three months in prison, a $1,000 fine and was placed on nine months probation.

*United States* v. *Milton M. Raffer:* On October 8, 1971, Milton M. Raffer, a certified public accountant, was convicted on forty-two counts of conspiracy, mail fraud, perjury and violations of the securities law. The defendant had been charged with aiding in carrying out a plan to defraud investors, which was a variation of the old "Ponzi" scheme. The evidence showed that Milton Raffer, together with his 19-year-old son, Bennett J. Raffer, organized a number of corporations, funds and partnerships and created an air of affluence by renting a Lear jet aircraft, two Mercedes Benz automobiles, and a chauffeur-driven Cadillac limousine. The younger Raffer entered a plea of guilty in midtrial and testified on behalf of his father in an attempt to exonerate him.

The trial evidence disclosed that the Raffers, while portraying the son as the "Boy Genius of Wall Street", solicited people to entrust their money for investment in nonexistent businesses, and delivered worthless promissory notes and investment contracts. The evidence also showed that investors were assured of substantial gains, with the promise that they could withdraw their investment after a period of time with a minimum guarantee of 7% interest even if no profits were realized. The Raffers told prospective victims that they were investing moneys for such prominent personalities as David Rockefeller, Frank Sinatra, Dean Martin and Lucille Ball. They also claimed that Bennett J. Raffer had become a self-made millionaire by running up his bar mitzvah money to a million dollars through investments in the stock market.

Once the investors had committed their money, Bennett Raffer forwarded false monthly statements to them showing huge profits. This induced most of the investors to leave their money in the Raffers' hands for extended periods of time. In the meantime, rather than investing the money as promised, the Raffers used the funds to support a high style of living. The evidence disclosed investments by the public of approximately three-quarters of a million dollars. The investments ranged in size from $500 to $150,000.

Milton Raffer was sentenced to twelve months in jail and was fined $20,000. Bennett Raffer was sentenced to fifteen months and fined $23,000.

*United States* v. *William Walter Prentiss:* On January 24, 1972, William Walter Prentiss pleaded guilty to charges of defrauding would-be investors on the stock market of approximately $300,000.

Posing as an investment counsellor, Prentiss had allegedly received sums for investment from fifty-seven individuals, which were never invested, but rather, were converted to his own use.

Prentiss' fraud was in essence another modern variation of the "Ponzi" scheme. Prentiss guaranteed to his first clients a minimum return of 5% per month on their investment, even if no profits were realized. He then encouraged investors not to remove their profits by sending out periodic statements showing substantial profits resulting from stock market transactions which he never made. If an investor insisted on taking his profits, Prentiss obliged with a monthly check. Soon Prentiss was deluged with clients from New York, and as far away as Arizona, Texas and Canada who wanted him to handle their investments.

Prentiss took these new clients on a profit-splitting basis with no guaranteed return to the investor, but he continued sending out phoney reports of profitable stock market transactions. The scheme went undetected for over three years because of Prentiss' ability to meet all demands by investors for payments of cash. In March of 1971 after making an accounting to his partners which showed the value of all investments to be approximately $1.6 million, Prentiss disappeared.

Prentiss was sentenced to twenty months' imprisonment and four years probation.

*United States* v. *Louis Beck, et al.:* On February 24, 1972, six individuals were indicted for fraud, interstate transportation of stolen securities and conspiracy. The defendants were identified as follows: Louis Beck, an attorney; William Julius Champion, formerly a supervisory employee of Goodbody & Co.; Collin Gardner and Frederick James Lee, formerly stock clerks with Goodbody & Co.; Aharon Ron, an Israeli Rabbi and businessman; and Emanuel Lieberman, a/k/a Mannie Lester. The indictment charged the defendants with selling over $300,000 worth of stolen Leasco Data Processing Equipment Corporation warrants through a Bahamian financial institution and depositing the proceeds in two Canadian bank accounts under a fictitious name.

According to the indictment, the warrants were stolen from Goodbody & Co. by three of the defendants, who had been employed by the firm. Thereafter defendant Louis Beck arranged for the Rawson Trust Company in Nassau to sell the securities, and obtained checks representing the proceeds from Hayden Stone & Co. Beck then deposited the proceeds at the Bank of Montreal and Royal Bank of Canada under the fictitious name of Michael C. Van Beuren. Another member of the conspiracy, Emanuel Lieberman, then obtained checks drawn on the Van Beuren account and together with Mr. Ron opened checking accounts at the Franklin National Bank.

*United States* v. *Stuart Schiffman, et al.:* Stuart Schiffman, Akiyoshi Yamada, Phillip Kage, Nathan Hager, Stanley Peltz and Kelly, Andrews & Bradley, Inc., a brokerage firm,

were indicted on March 30, 1972, and charged with defrauding stock purchasers by means of a false and misleading offering circular.

The defendants and others allegedly conspired to underwrite the stock of Lady Goldie Bracelet Co., Inc., through Kelly, Andrews and Bradley, in return for secret cash compensation of $75,000. The cash payment was not disclosed in the offering circular which was filed with the SEC and used to sell the stock to the public. The undisclosed $75,000 payoff was in addition to other disclosed compensation and amounted to one-fourth of the total moneys received on the underwriting.

*United States* v. *Akiyoshi Yamada, et al.,* and *United States* v. *Akiyoshi Yamada:* Investment advisors Akiyoshi Yamada and John Peter Galanis were indicted on May 1, 1972, for defrauding mutual fund investors out of more than $1,000,000.

The indictment charged that Yamada and Galanis created an off-shore mutual fund, Armstrong Investors, S.A., which raised in excess of $3.8 million from foreign investors. The defendants managed Armstrong's portfolio and maintained complete control over its assets through a mutual fund operating company named Everest Management Corp. The defendants allegedly used Armstrong's funds to manipulate stocks in which they and their friends personally invested, and in some cases caused Armstrong to buy these stocks from them, indirectly, at the artificially inflated prices. In addition, Yamada and Galanis were charged with converting in excess of $1,000,000 of Armstrong's money to their own use.

In order to cover this fraud, the defendants are alleged to have issued regular monthly reports to fund shareholders indicating that the net asset value of Armstrong had increased each month, whereas the assets of the fund were being depleted as the result of the defendant's activities.

In a related case, *United States* v. *Akiyoshi Yamada,* Yamada was indicted a second time, on May 4, 1972, and charged with defrauding his clients in the operation of a $350,000 "Hedge Fund."

This indictment charged that Yamada organized a "Hedge Fund" called Seijo Associates. He allegedly defrauded investors by converting assets collected by Seijo to help cover up losses and misappropriations of moneys from other funds which he managed, including Everest Management Corporation and Armstrong Investors, S.A.

*United States* v. *Robert R. Hagopian, et al.:* On August 7, 1972, an indictment was filed charging a scheme in which two mutual fund managers received bribes of over half a million dollars from two other defendants in return for causing the mutual funds they managed to purchase and sell certain securities. The defendants are also charged with defrauding shareholders of their mutual funds and receiving excess compensation. Named in the indictment were: Robert Hagopian, former mutual fund investment advisor to the Index Fund of Boston, Inc., and the Performance Plus Fund, Ltd.; Stephen Sanders, former mutual fund investment advisor to the Winfield Growth Fund, Tudor Hedge Fund and Performance Plus Fund, Ltd.; Ramon N. D'Onofrio, a finder and securities promoter; John Peter Galanis; and Jerome E. Treisman, a securities research analyst once associated with defendant Galanis and employed by mutual funds.

The indictment charges that defendant Galanis and his accomplices manipulated the price of securities that they controlled with the ultimate purpose of selling these securities to mutual funds at the rigged prices. It is further alleged that, as part of the plan, Galanis and his co-conspirators paid Hagopian in excess of $540,000 in cash and marketable securities, in return for which Hagopian caused his two mutual funds to purchase $3,000,000 in securities at the artificially inflated prices. A similar arrangement was made with Sanders, but on a smaller scale.

The indictment also charged that in order to make it appear that the mutual funds managed by Hagopian and Sanders had purchased securities on the basis of their investment merit, Hagopian, Galanis and Treisman gathered and prepared false and misleading reports and other documentary materials and placed them in the files of the fund's management companies.

*United States* v. *Joel Mallin:* Joel Mallin, an attorney, was indicted on August 10, 1972, for a criminal violation of the margin requirements established for broker-dealers by the Board of Governors of the Federal Reserve System. Prior to his indictment, Mallin had been a tax lawyer and partner in a New York law firm.

The indictment charged Mallin with causing the Mercantile Bank & Trust Co., Ltd., Freeport, Bahamas, to violate the margin requirements set forth in Regulation T by the Federal Reserve System. During the period covered in the indictment, Regulation T provided that broker-dealers, including foreign banks purchasing securities through brokerage firms which were members of national securities exchanges, were prohibited from lending their own customers more than 20% of the purchase price on any security.

Mallin had held a discretionary power of attorney to buy, sell and trade securities on behalf of Mercantile for its special omnibus trading accounts at the brokerage house of Kleiner, Bell & Co., Inc. In 1968, Mallin used this power to cause Mercantile to extend credit beyond the legal maximum to a customer of Mercantile who was in fact Mallin's own nominee for the purchase of 700 shares of Great American Holding Corporation stock.

Mallin pleaded guilty to this charge and was sentenced to two years probation and a $5,000 fine.

*Tax frauds*

*United States* v. *William Binder, et al.:* On March 16, 1971, William Binder, Max Blauner and Edward Samuels were sentenced for their part in a conspiracy to evade $7,000,000 of Interest Equalization Tax. Charges against a fourth defendant, Henry Scharf, had been severed after Scharf became a fugitive.

At all times relevant to this case the Interest Equalization Tax Act levied an excise tax on purchases of foreign issue stock purchased by "United States persons" from foreigners. Americans buying foreign issue stock from other Americans, however, were not taxed. As a result American-owned foreign stock sold in the United States at a premium over foreign-owned stock, since the purchaser would not be liable for the Interest Equalization Tax. Consequently, foreign securities purchased outside the United States and then resold within the United States yielded an immediate profit based on the price differential. The defendants executed a scheme to defeat the tax by making taxable purchases, primarily in Canada, through trading accounts in the names of nominees. These foreign securities were resold almost simultaneously in New York. The defendants retained the profits, plus brokerage commissions, while their relatively penniless nominees incurred the staggering tax liability.

Blauner and Samuels received eighteen-month prison terms. Binder was fined $2,000 and placed on probation for two years.

*United States* v. *Sol Berger:* On May 5, 1971, after a three week non-jury trial, Sol Berger was found guilty of causing an evasion of Federal taxes on $900,000 of income owed by Colonial Corporation of America, formerly listed on the New York Stock Exchange. The years involved were 1962, 1963 and 1964. Berger had padded the expenses of Colonial Corporation of America by secretly adding to those expenses the cost for raw materials purchased and used by Colonial Corporation of America's foreign subsidiary, Colonial Shirts of Jamaica, Ltd. The Government's proof established that Berger directed his chief bookkeeper to make false entries of from $50,000 to $75,000 per quarter beginning in the latter part of 1959 or the early part of 1960. These false entries all related to piece goods purchases which the foreign subsidiary made from manufacturers in Japan. The bookkeeper reported the false entries in handwritten reports to Mr. Berger quarterly up until the time that Berger resigned as chief executive officer of Colonial Corporation of America late in 1965.

In early 1966 Berger sold his 38% interest in Colonial Corporation of America to Kayser-Roth Corporation, a corporation listed on the New York Stock Exchange. During 1960 through 1965, Colonial Corporation of America was a shirt manufacturer specializing in less expensive shirts which were retailed to a mass market. In 1964 Colonial Corporation of America had sales on a consolidated basis of approximately $90,000,000. On June 4, 1971 Berger received a three month prison sentence, a fifteen month suspended sentence, and a $30,000 fine.

*United States* v. *Mack Judge, et al.:* On December 8, 1971, three North Carolina cigarette jobbers were charged with mail fraud and violations of the Jenkins Act in connection with the interstate sale and shipment of cigarettes. Named as defendants were Mack Cullen Judge and his two sons, MacRay and William Gordan Judge.

The Jenkins Act requires cigarette sellers shipping cigarettes into New York and other states to notify the State cigarette tax authorities of the names of the purchasers and the brands and amounts of cigarettes purchased. In this way the State may levy the requisite local tax against such buyers. Operating through the Peanuts Co., Tot's Co., Carolina Co., ABC Sales & Southern Enterprises, all located in Weldon, North Carolina, the defendants induced New York residents to purchase cigarettes from these companies by false, letter representations that such purchasers would not be liable to the State or City of New York for local cigarette taxes. The second branch of the defendants' scheme involved their intentional non-compliance with the Jenkins Act, by failing to provide New York State with the above noted information.

After pleading guilty, Mack Cullen Judge was sentenced to nine months imprisonment and fined $6,000. His two sons were fined $1,000 apiece.

*United States* v. *Daniel X. B. Schwartz, et al.:* On May 17, 1972, Daniel X. B. Schwartz (a/k/a Dixbie Schwartz), Melvin J. Kushel and Ruth Saperstein were indicted for defrauding numerous persons who had invested in cattle management programs for investment and tax shelter purposes. Also named in the indictment were the Dixbie Management Company, Dixbie Colossal, Inc., Dixbie Colossal, and Dixbie Supreme, all of which the Grand Jury charged were organized, established, operated and controlled by Daniel X. B. Schwartz.

The indictment alleged that Schwartz, Kushel, and Saperstein operated two companies, New York Tax Savers and National Tax Savers, which prepared and filed tax returns for a number of persons in New York. The defendants recommended to their clients that they avail themselves of the tax and investment advantages of the cattle management programs offered by the Dixbie Management Company. The defendants also advertised the benefits of investing in cattle by means of direct mailings and through newspaper advertisements. The indictment charged that both the mailed material and the advertisements contained false statements of profits, return of capital, and tax advantages. By these means, plus customer

referrals, the defendants allegedly lured a sufficient number of investors to raise almost $600,000 through the sale of 200 investment contracts.

Amongst the alleged misrepresentations were statements to the effect that the defendants would pay approximately 30% a year in dividends and that they would return any investor's money upon request. In fact, however, the defendants had set up several other companies to conceal the assets of Dixbie Management, which were then converted to the personal use of Daniel X. B. Schwartz.

*United States* v. *Braverman and Rosenstein:* The defendants in this case were convicted after a six-week trial for evading Federal taxes on $2,000,000 worth of income. (The largest income tax evasion case in the history of the Federal Government.)

Braverman and Rosenstein were the sales representatives for many of America's leading manufacturers in the sale of their products to military post exchanges. (PX's). For their service they received commissions which averaged approximately 6% of total sales. From 1961 to 1965 Braverman and Rosenstein instructed their clients to pay their commissions to a dummy Liechtenstein corporation which transferred the money to a secret Swiss bank account. In this way $2 million dollars escaped taxation. Braverman and Rosenstein were each given eighteen months in prison, $280,000 in fines and assessed court costs.

In addition to the above cases, there have been numerous, successful prosecutions of individuals involved in the arts, business and the professions for income tax evasion, or willful failure to file tax returns.

TEN STEPS BUSINESSMEN CAN TAKE TO COMBAT WHITE-COLLAR CRIME

Businessmen often shrug their shoulders when the discussion turns to white collar crime and ask, "What can we do about it?" Frequently the express the attitude that crime will always be with us, and therefore why try to stop it. Or they delude themselves by saying that the real criminals are those who commit burglaries in apartment houses or hold up drug stores.

There is a great deal that businessmen can do to reduce white-collar crime. By helping to do so, businessmen can also indirectly help reduce other forms of crime as well, to the extent that they are encouraged by a system which is soft on the white collar criminal and therefore encourages criminal conduct at all levels of society.

Here are ten steps which any businessman can take to contribute to a reduction in white collar crime:

1. *Set an example at the top.* In every business firm and business association the standard of ethics and integrity begins with the people who hold key executive positions. Both in their own conduct and in their articulation of standards of conduct for others, they set the tone which determines whether cutting corners and a little cheating here and there will be acceptable or not.

2. *Speak up against improper actions by others.* Most businessmen have had the experience on more than one occasion when some friend or associate has bragged about having a Swiss bank account to conceal transactions from the Internal Revenue Service, or some other scheme to do something improper. The listener usually smiles and maybe nods politely. This is the time to say some words of disapproval. When friends or associates wink at illegal conduct, it is bound to accelerate.

3. *Don't give gifts to Government officials to curry favor.* The attitude that leads to bribery and fraud begins with the belief that there are ways to get favored treatment from Government agencies by material gifts. Even the small gift, which puts a Government employee in the embarrassing position of not wanting to offend by refusing it, is the first step on that road. That first step should never be taken.

4. *Don't encourage any form of commercial bribery.* Kickbacks and under-the-table payments are frequent parts of commercial activity, but they are not desirable or healthy. Where they amount to bribery, they constitute a State crime, but they also generate an attitude that is just one step away from bribing public officials, or embezzlement, or criminal fraud.

5. *Straighten out any suggestion of impropriety immediately.* The statement by a business colleague that he will see to it that some official action is "taken care of" or that there is "nothing to worry about" in connection with some official regulation should not be passed over quietly. Every such implication of possible improper conduct should be challenged and an explanation demanded before a businessman goes into a business deal. Frequently such hints of impropriety turn out to be something quite innocent, but sometimes they are sinister. This meaning should be made clear and the businessman's position in opposition to any unlawful conduct should be firmly and explicitly stated.

6. *Consult a lawyer.* If a businessman has any doubt about the propriety of suggested conduct, he should immediately discuss it with a lawyer in whose integrity and ethics he has complete confidence. If he does not feel that way about his present lawyer, he should get a new one. Lawyers in turn should consistently and invariably discourage their clients from engaging in conduct which winks at or violates the law, even if it means losing an occasional client along the way.

7. *Keep alert to extravagance.* For a business executive, the surest sign of potential trouble in his own organization or that of a business associate is when he sees someone living far beyond his apparent means. Such activities as excessive gambling, borrowing from loan sharks, or maintaining a lush life style, are sure trouble signs which require careful watching.

8. *Get to know the prosecuting authorities.* Officials charged with law enforcement are human beings like anyone else. They can be talked to in terms of fairness and common sense, and they respect professionalism and decency in others. Federal and State District Attorneys should be consulted frequently and lines of communication kept open at all times.

9. *Report all irregularities to the proper authorities.* The worst thing a businessman can do is to turn his back when he sees something improper. There is only one sensible way to deal with questionable or illegal conduct and that is to bring it to the attention of those who have the responsibility to deal with it, whether they be Securities and Exchange officials, trade associations, or law enforcement officials. Walking away and pretending that nothing happened is an invitation for a repeat performance.

10. *Speak out against those who commit white collar crimes.* Too often white collar criminals are treated with sympathy, as if they were themselves the victims. Sometimes business executives who have committed felonies have been treated as heroes in the country club set. Those who are concerned about integrity in business should publicly express their disapproval of their colleagues who violate the law and should support prompt prosecution and effective punishment. Favored treatment by the courts should be criticized openly whenever it occurs.

The American economy depends on trust and good faith. Its future health and the moral climate of the nation depend on the attitudes of honest businessmen toward those who violate standards of conduct. Prompt and effective steps can do much to reduce white-collar crime. Leaving it to others and turning one's back will only encourage its spread.

## INTEGRITY OF GOVERNMENT IS ABOVE EXECUTIVE PRIVILEGES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to insert in the RECORD three self-explanatory editorials—an editorial titled "Integrity of Government Is Above Executive Privilege," which appeared in the March 14 edition of the Philadelphia Inquirer; an editorial titled "It Is All Very Simple—Really," which appeared in the March 14 Wall Street Journal; and an editorial titled "Executive Cover-Up," which appeared in the March 14 issue of the New York Times.

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

[From the Philadelphia Inquirer, March 14, 1973]

INTEGRITY OF GOVERNMENT IS ABOVE EXECUTIVE PRIVILEGE

"Executive privilege will not be used as a shield to prevent embarrassing information from being made available but will be exercised only in those particular instances in which disclosure would harm the public interest."

So said President Nixon in a formal statement Monday in which he reaffirmed his intention of preventing Congress from questioning members of his staff about what is loosely called "the Watergate affair."

But saying it doesn't make it so.

What else can the public believe, other than that Mr. Nixon is determined to keep the lid on, when he invokes executve privilege in this case and expands it to cover *former* members of his staff and any cabinet member "who also holds a position as a member of the President's personal staff"?

The constitutional issue can be disposed of quickly. The "strict constructionist" Mr. Nixon is invoking a doctrine which is nowhere mentioned in the Constitution. True enough, as Mr. Nixon says, it has been used before, beginnng with President Washington but, as he also says, the exercise of the privilege "should be determined on a case-by-case basis."

What, then, is the case at hand? It is a case which involves present and former intimates and associates of the President in allegations, many proved in court, of illegal wiretapping, burglary, other campaign sabotage, and of secret slush funds.

The cast of characters includes the President's personal attorney, Herbert W. Kalmbach, who admitted to the FBI that he paid between $30,000 and $40,000 in Republican campaign funds to an alleged campaign saboteur named Donald Segretti.

It includes the President's former appointments secretary, Dwight L. Chapin, who—according to Mr. Kalmbach—brought his college friend Segretti to Mr. Kalmbach's notice and who has just resigned his White House post.

It includes convicted Watergate conspirator E. Howard Hunt Jr., and it includes Charles W. Colson, who has also just resigned as special counsel to Mr. Nixon and who hired Mr. Hunt to work in the White House.

The cast also must include John N. Mitchell who resigned as Attorney General to take direct command of the President's reelection machinery and is thus responsible for its operation. It includes Maurice Stans, former Secretary of Commerce who served under Mr. Mitchell as finance chairman.

All these, at the very least, must make their involvements in the case perfectly clear, under reasonable cross examination by the special Senate committee which will pursue the truth of the Watergate. Without their testimony, the truth cannot be known.

How can the "public interest" be harmed by having these men and others give sworn testimony on what they know about or did in the Watergate affair?

Mr. Nixon says that what is at stake is not only that his advisers not be inhibited in giving him confidential advice "but the integrity of the decision-making process at the very highest levels of our government."

Not quite. What is really at stake is the integrity of those who make the decisions.

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[From the Wall Street Journal, Mar. 15, 1973]

IT'S ALL VERY SIMPLE—REALLY

With all the revelations bursting forth from the Senate confirmation hearings on the President's nominee for FBI director, L. Patrick Gray III, some readers may be confused about the President's position on FBI investigations. We'll attempt to clear up the confusion.

First of all, Mr. Nixon has declared flatly that the FBI should be kept out of politics. So it can be assumed that the fact that Mr. Gray had dabbled a bit in Republican politics before his appointment as acting director last year had no influence on his selection.

Second, Press Secretary Ron Ziegler last week expressed the White House's "concern" about the release by Mr. Gray of "raw, unevaluated material" from the FBI's files to the Senate Judiciary Committee, which is conducting the confirmation hearing. So we can only conclude that the bundles of Watergate investigatory data that the White House asked for, and got, from the FBI last year contained nothing that was either "raw" or "unevaluated."

Third, the White House made it clear that it wanted to cooperate fully with the FBI's investigation of the Watergate incident, in which Nixon campaign and White House hirelings were implicated in a bugging and break-in of a Democratic headquarters. So we have to assume that White House demands that its attorneys sit in on the FBI's Watergate case interviews with White House staffers grew merely out of a desire to be helpful. No importance should be attached to the affidavit of a former Nixon campaign employe, Judith Hoback, saying she was called on the carpet after the White House somehow got word that she had had two private chats with the FBI without benefit of White House counsel.

Fourth, the President says he will invoke Executive privilege to prevent present and "former" White House aides from testifying before Congress. Since the President had earlier stated that he would not use Executive privilege to prevent "embarrassing" information from being made available to Congress we can be sure that there was nothing embarrassing in the conduct of White House lawyer John W. Dean III, the man who requested the FBI's Watergate data. Nor should we assume that in carefully including "former" White House staff members anyone had in mind Dwight L. Chapin, Mr. Nixon's former appointments secretary. (The Judiciary Committee voted unanimously yesterday to invite Mr. Dean to testify, but most members doubted that he would accept.)

Finally, we are left with Mr. Gray's revelation to the committee that Herbert W. Kalmbach, a California legal counselor to Mr. Nixon, had told the FBI he gave $30,000 to $40,000 to Donald H. Segretti, who had been linked to undercover Republican campaign efforts that apparently involved fun and games at the Democrats' expense. Mr. Kalmbach said the payment was made at the direction of Mr. Chapin, and we have already been assured there was nothing "embarrassing" about his conduct. Anyway, this revelation is "raw" and "unevaluated."

We hope we've made clear that this administration, like all others before it, feels very strongly about keeping the FBI out of politics. This bit of high-mindedness explains why former Presidents showed such solicitude to J. Edgar Hoover. The fact that he was the previous custodian of all that "raw and unevaluated" data had nothing to do with it. (Actually, the more we think about the whiff of grapeshot Mr. Gray has given the White House the less we worry about our previous reservations over his appointment.)

If there still is some confusion over the White House position, all we can say is that we've tried to put it as simply as possible. The official explanations are entirely clear if only you can utterly suspend disbelief.

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[From the New York Times, Mar. 14, 1973]

EXECUTIVE COVER-UP

When President Nixon at a news conference on January 31 promised a precise statement concerning the use of executive privilege, he assured reporters: "The general attitude I have is to be as liberal as possible in terms of making people available to testify before Congress, and we are not going to use executive privilege as a shield for conversations that might be just embarrassing to us."

Now that the promised statement has been issued, it turns out to be vague rather than precise, restrictive rather than liberal in its effect, and designed to protect the President from grave political embarrassment rather than to assist him in the exercise of his proper official duties.

Executive privilege is comparable to the impoundment of funds. It is one of those Presidential powers which is implicit rather than spelled out in the Constitution. Its boundaries are inherently difficult to define. Presidents have traditionally used it sparingly, reserving it for a last line of defense when a Congressional committee has overreached itself. A decent respect for the comity that should prevail between equal branches of the Government has normally controlled its use.

Unfortunately, as in the impoundment controversy, President Nixon now seeks to exploit the necessary vagueness in this constitutional domain and to nail down as unchallengeable authority what is more wisely left flexible and loose.

Even worse, he is trying to extend the coverage of this doctrine in two significant ways. First, he would include not only members of the White House staff but also former members. No time limit is set on their alleged immunity from Congressional cross-examination. Secondly, he claims for Cabinet members who hold dual appointments as "Presidential counselors" the privilege of refusing to testify on that portion of their work which involves their White House duties.

These ambitious claims of a right to secrecy are novel and specious. Once individuals cease to be members of the White House staff, they cannot carry with them into private life the privilege of routinely "declining a request for a formal appearance before a committee of the Congress." Contrary to the President's statement, this is not a "well-established precedent." It is wholly unfounded.

Similarly, a Cabinet officer has always been regarded in normal constitutional practice as responsible not only for administering his own department but also for advising the President on broad issues of public policy. It is specious to assert that simply because the President has conferred on some of his Cabinet members the additional rank of "Presidential counselor" that he also confers on them some special added immunity. The duties of Cabinet members and Presidential counselors are so intertwined that any distinction in the degree of confidentiality and trust between the two positions can only be arbitrary and artificial.

The saddest aspect of this latest institutional wrangle between the President and the Congress is that Mr. Nixon is asserting such arrogant claims in so unworthy an affair. It is impossible to avoid the suspicion that the President is trying to cover up White House involvement in the ugly campaign of political sabotage and espionage which climaxed in the Watergate raid.

The assertion that executive privilege protects former Presidential aides, for example, looks very much like an effort to protect Dwight Chapin, the former Presidential appointment secretary, and perhaps former Attorney General John Mitchell and former Secretary of Commerce Maurice Stans from Congressional interrogation concerning their responsibility for the Watergate episode and related activities.

When President Washington first invoked the concept of executive privilege to protect the confidentiality of the diplomatic negotiations leading up to the Jay Treaty in 1796, a squalid political intrigue such as the Watergate affair was the furthest thing from his mind. When executive privilege is invoked in an apparent effort to cover up blatant political wrongdoing, the office of the President is demeaned and this nation's constitutional practice is debased.

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## TECHNOLOGY ASSESSMENT BOARD

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD the first annual report of the Technology Assessment Board, dated March 15, 1973.

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

TECHNOLOGY ASSESSMENT BOARD,
CONGRESS OF THE UNITED STATES,
*March 15, 1973.*

*To the Senate of the United States:*

DEAR MR. PRESIDENT: Pursuant to section 11 of Public Law 92–484, I am pleased on behalf of the Technology Assessment Board to submit herewith the first annual report of the Congressional Office of Technology Assessment.

The Office was established by the Technology Assessment Act of 1972 which was approved on October 13, 1972. As stated in the Act, the purpose is to equip the Congress "with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social, and political effects" of technological applications; and to serve as an aid "in the legislative assessment of matters pending before the Congress, particularly in those instances where the Federal Government may be called upon to consider support for, or management or regulation of, technological applications."

Pursuant to section 4(a) of Public Law 92–484, the President pro tempore of the Senate appointed the following Senators as Members of the Technology Assessment Board, Mr. Kennedy, Mr. Hollings, Mr. Humphrey, Mr. Case, Mr. Dominick, and Mr. Schweiker; and the Speaker of the House of Representatives appointed the following Members of the House of Representatives as Members of the Technology Assessment Board, Mr. John W. Davis, Mr. Olin E. Teague, Mr. Udall, Mr. Mosher, Mr. Gubesr, and Mr. Harvey.

There were meetings of the House Members of the Technology Assessment Board on February 20 and March 14, 1973, and of the Senate Members of the Board on March 5, 1973. Pursuant to section 4(c) of Public Law 92–484, the Senator from Massachusetts was selected as Chairman of the Technology Assessment Board for the duration of the 93rd Congress.

The Board will meet in the near future to organize itself, to begin establishing the policies under which the Office will operate, and to prepare a request for an appropriation

pursuant to section 12(a) of Public Law 92-484.

Sincerely,

EDWARD M. KENNEDY,
*Chairman.*

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. JOHNSTON). Is there further morning business? If not, morning business is concluded.

## FEDERAL AID HIGHWAY ACT OF 1973

The PRESIDING OFFICER (Mr. JOHNSTON). The Chair now lays before the Senate the unfinished business, S. 502, which the clerk will state.

The legislative clerk read as follows:

S. 502, to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The Senate resumed the consideration of the bill.

## QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may be able to modify the time agreement on the amendment by Mr. COTTON, entered yesterday, at which time it was agreed that the time on the amendment would be limited to 30 minutes. I now understand that Mr. COTTON wishes to have 45 minutes on his side.

Therefore, I ask unanimous consent—having cleared the request with Mr. BENTSEN, the manager of the bill—that the time on the amendment by Mr. COTTON to the Federal highway bill be limited to one hour and a half, the time to be equally divided between Mr. COTTON and Mr. BENTSEN, and with the former arrangement included with respect to amendments to amendments

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

## ECONOMIC STABILIZATION ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, having discussed the following request with the distinguished assistant Republican leader, Mr. GRIFFIN, the distinguished manager of the bill, Mr. SPARKMAN, the distinguished Senator from Wisconsin (Mr. PROXMIRE), and the distinguished ranking minority member of the Committee on Banking, Housing and Urban Affairs, Mr. TOWER, I am authorized by the distinguished majority leader to propose the following unanimous-consent request with respect to S. 398, the Economic Stabilization Act, at such time as that bill is called up and made the pending business before the Senate.

I ask unanimous consent that time on the bill be limited to 3 hours, to be equally divided between and controlled by the distinguished Senator from Texas (Mr. TOWER) and the distinguished manager of the bill, the Senator from Alabama (Mr. SPARKMAN); that time on an amendment to be offered by Mr. PROXMIRE, the prenotification amendment, be limited to 2 hours, the time to be equally divided between Mr. PROXMIRE and the manager of the bill; that time on an amendment designated as a "freeze" amendment, to be offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE), be limited to 3 hours, the time to be equally divided between the author of the amendment and the manager of the bill; that time on any other amendment in the first degree be limited to 1 hour, the time to be equally divided between the mover of such and the manager of the bill; that time on any amendment to an amendment be limited to 30 minutes; that time on any debatable motion or appeal be limited to 30 minutes, and that the agreement be in the usual form with respect to germaneness and control of time on amendments to amendments, debatable motions and appeals, and so forth.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object—and I do not intend to object—I simply want to ask the distinguished assistant majority leader a question. Does he anticipate laying the bill before the Senate this evening but not proceeding on it until Monday?

Mr. ROBERT C. BYRD. In response to the distinguished Senator from Texas (Mr. TOWER), the ranking minority member, it would be the intention of the leadership, if the agreement is accepted, that the Senate go over from today until Monday, and that at the conclusion of routine morning business on Monday, the Senate proceed to the consideration of the bill, in the event that the Senate completes its action on the Federal highway bill today, as we all hope and expect it will do.

I say this because there is so little on the calendar, that it would not be necessary to come in tomorrow in the event we reach an agreement; and with nothing on the calendar pressing us, this bill, the Economic Stabilization Act, could very well be acted on on Monday or Tuesday. I envision 2 days on the bill, with an agreement, and longer if we do not get an agreement.

Committees would then have an opportunity to work tomorrow without interruptions from the floor.

Mr. TOWER. Unless there are some amendments the Senator from Texas does not anticipate, I think we can complete the bill on Tuesday. It is my understanding that this unanimous-consent request is contingent upon our taking up the bill on Monday. Is that correct?

Mr. ROBERT C. BYRD. That is correct. Otherwise, the Senate would have to come in tomorrow and take up the bill, with no assurance that it could be completed even on Monday.

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

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. The Senator may have included this in his request, and I may have missed it.

Time available on the bill may be yielded by those having control, for consideration of amendments. Is that correct?

Mr. ROBERT C. BYRD. Yes; that would be included by reference to the usual form. I thank the Senator.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The text of the unanimous-consent agreement is as follows:

*Ordered,* That, effective on Monday, March 19, 1973, at the close of morning business, during the consideration of S. 398, a bill to extend and amend the Economic Stabilization Act of 1970, debate on any amendment (except the so-called Pre-Notification Amendment by the Senator from Wisconsin (Mr. PROXMIRE), on which there will be 2 hours, and the so-called Freeze Amendment by the Senator from Wisconsin (Mr. PROXMIRE), on which there will be 3 hours) shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment and the manager of the bill, the Senator from Alabama (Mr. SPARKMAN), and that debate on any amendment to an amendment, debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the author of the amendment in the first degree, unless the author of the amendment in the first degree is in favor of the amendment, in which case the time shall be under the control of the manager of the bill: *Provided,* That no amendment that is not germane to the provisions of the said bill shall be received.

*Ordered further,* That on the question of the final passage of the said bill, debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from Texas (Mr. TOWER) and the manager of the bill, Mr. SPARKMAN: *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

Mr. ROBERT C. BYRD. I thank all Senators.

## ORDER FOR ADJOURNMENT UNTIL MONDAY, MARCH 19, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today—if the action on the Federal highway bill is completed today—the Senate stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. In the alternative, if the action on the Federal highway bill is not completed today, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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FEDERAL AID HIGHWAY ACT OF 1973

The Senate continued with the consideration of the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk on behalf of myself and my distinguished senior colleague (Mr. RANDOLPH) and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 120, line 10, after "Nebraska," insert "Wheeling, West Virginia,".

On page 120, line 20, after "railroads in" insert "Wheeling, West Virginia, and".

On page 121, line 15, after "Nebraska," insert "$2,000,000 in the case of Wheeling, West Virginia,".

On page 121, line 18, after "Nebraska," insert "$4,000,000 in the case of Wheeling, West Virginia,".

Mr. ROBERT C. BYRD. Mr. President, the amendment which I am introducing on behalf of myself and my distinguished colleague (Mr. RANDOLPH) would include Wheeling, W. Va., in those locations which would be used as railroad relocation demonstration projects. The Federal Railroad Administration has been conducting a study of Wheeling, and several other locations, pursuant to directives which were included in the Department of Transportation and Related Agencies Appropriations Bill for Fiscal Year 1973.

At the present time, the city of Wheeling has railroad tracks which run through the center of town, a large portion of which are on elevated viaducts, which have become both unsafe and unsightly. In addition, there are numerous grade crossings which are both unsafe and which seriously impede the flow of traffic through the city.

This amendment would authorize demonstration funding to relocate the Baltimore and Ohio tracks now located on 17th Street in the city of Wheeling from that location to a location circling Peninsula Hill and connecting with the existing Penn Central Railroad tracks on the east side of Wheeling Creek or from that location to a location cutting through Peninsula Hill between Rock Point Road and Interstate 70 and connecting with the existing Penn Central Railroad tracks.

This amendment, if adopted, would require that Wheeling meet the same criteria which the other locations within the bill must meet, including the submission of their specific plans to the Secretary of Transportation, who would have the final authority to approve the plans. The Federal Railroad Administration has advised me that this relocation project will cost $6,000,000 and that is the amount my amendment would authorize for this project.

As I indicated, this amendment was offered on my behalf and my distinguished senior colleague (Mr. RANDOLPH) who is in the Chamber. I have discussed the amendment with the manager of the bill, the distinguished Senator from Texas (Mr. BENTSEN). I hope he and the distinguished ranking minority member will be able to accept the amendment.

Mr. BENTSEN. Mr. President, will the distinguished assistant majority leader advise how much Federal money would be involved in this project?

Mr. ROBERT C. BYRD. I have been advised by the Federal Railroad Administration that the project would cost $6 million.

Mr. RANDOLPH. Mr. President, if the Senator will yield, that total would include $2 million in Federal funds. That would bring the project in line with those in the other three locations contained in the bill.

Mr. BENTSEN. I would say that would be very much in line with the amount of money we committed to the other demonstration projects. For my part, I am willing to accept the amendment. I defer now to the ranking minority member of the committee.

Mr. STAFFORD. Mr. President, I thank the Senator from Texas. For the minority side, we would accept that proposal.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished manager of the bill (Mr. BENTSEN) and the distinguished ranking minority member, the Senator from Vermont (Mr. STAFFORD). I also thank my senior colleague.

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

Mr. ROBERT C. BYRD. I yield.

Mr. RANDOLPH. Yesterday the Senator from Maine made reference to the railroad relocations in the pending measure. The Senator from Maine pointed out we are doing something in reference to railroads. I think it is important to have the RECORD reflect that the relocations are made so that the highways near these railroads can better serve the people. That is the reason for the relocations.

We are not in the business of relocating a railroad; we are attempting to make the highway program more meaningful and helpful to the people involved and the community where the relocation takes place.

Mr. BENTSEN. I thank the distinguished chairman of the committee, the Senator from West Virginia (Mr. RANDOLPH). I might further supplement his comments by saying that we were also deeply concerned about railroad-highway intersections. I note that 70 such intersections are being removed.

Mr. RANDOLPH. The Senator is correct. The safety factor is certainly one of the major considerations, if not the most important consideration, in what we attempt to do in these matters, and it is a consideration to which the Senator and his subcommittee gave attention.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

Mr. PEARSON. Mr. President, I have an amendment at the desk and I ask that the amendment be stated at this time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PEARSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

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

At the end of the bill insert a new section as follows:

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. . (a) Section 143 of title 23, United States Code, is amended by striking "Federal-aid primary system" wherever appearing therein and inserting in lieu thereof "Federal-aid primary and secondary systems".

(b) Subsection (e) of section 143 of title 23, United States Code, is amended by striking "not to exceed an additional 20 per centum" and inserting in lieu thereof "not to exceed an additional 10 per centum".

(c) Subsection (g) of section 143 of title 23, United States Code, is amended by striking the following: ", and not to exceed $50,000,000 for the fiscal year ending June 30, 1973." and inserting in lieu thereof ", not to exceed $50,000,000 for the fiscal year ending June 30, 1973, not to exceed $50,000,000 for the fiscal year ending June 30, 1974, and not to exceed $100,000,000 for the fiscal year ending June 30, 1975."

Mr. PEARSON. Mr. President, this amendment would put back into this bill the provision of the program that was formerly in the bill in the 1970 enactment and continued with some modifications in the 1972 bill, which was never adopted, and it carried with it the en-

tire economic growth and development of highways.

I have indicated this is not a new program. It is a continuation of a demonstration program of very little funding; perhaps no more than 1 percent or 2 percent of this entire bill. But the purpose, as originally envisioned and as proposed in the former acts, was to encourage decentralization and provide for rural economic roads and to provide for access and balanced national growth in this country.

We are experiencing, as almost all students of America today understand, the great outmigration from rural areas, which presents problems at both ends of the population screen: The migration from the countryside into the great cities aggravates the situation within the inner city. We have on the one hand the ghettos and on the other hand the drying up of small rural towns.

What this proposal would do and what it was implemented to do in 2 years was to provide that Governors would certify certain areas. These areas, on the average, are 111 designated throughout the United States, at least one in every State and no more than three in each State. It would provide for transportation aids with an incentive in the Federal share for towns that averaged 25,000 population. There were some exceptions. It would permit communities to qualify as certified by the Governor up to, I understand, about 100,000 population. But the real incentive here is through planning and use of highways and the revitalization of rural America to do something about the great migration from the countryside to the cities. I think this program was a good one. It was indicated this was the policy of this country. It passed in 1970 and was modified in three instances in the 1972 act, which provided this aid would go not only to primary roads but also to secondary systems and provided for greater funds, if the program should continue into 1975. So I think this has been a good program.

I understand the action of the committee and the distinguished chairman of the subcommittee. I do not speak for him, but I think he felt this was a place where categorical grants could be limited, as requested by the administration. I think the distinguished chairman came forward with a program which dealt with communities.

I endorse it and think it a valid supplement to what we are really trying to do, and that is to give some emphasis and provide some planning and to attract attention once again to what really aggravates some of the great population problems in this country today.

I do not know whether the many programs we have adopted or those that have been proposed are seriously being considered today. I get the impression, not only on the part of the administration and on the part of the Department of Agriculture, but I think generally, that there is a feeling of futility about doing something to balance the national growth, about doing something to revitalize the rural parts of this country.

I would hope this particular amendment, which would really institute once again in the bill this very modest proposal, this very modest program, would be an indication on the part of those in the Senate who vote for the bill that we really are serious, that we really do have some conviction, that we really do have some resolution about going forward with the revitalization of the rural parts of this country.

I think there has been great interest in this program. The Department of Transportation has indicated it is interested in it. I think it is a valid one that ought to be continued.

I yield the floor, and I might say to my distinguished friend from Texas that I would be glad to agree to any sort of short time limitation, if that suits his convenience.

Mr. BENTSEN. Mr. President, I did not understand the Senator from Kansas' statement concerning a limitation of time.

Mr. PEARSON. I said I would be pleased to agree to any short limitation of time that meets with the approval of the chairman of the subcommittee.

Mr. BENTSEN. Would 15 minutes a side be sufficient?

Mr. PEARSON. Yes.

Mr. President, I make that unanimous-consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENTSEN. I will be constrained to oppose the amendment offered by the distinguished Senator from Kansas (Mr. PEARSON).

I know of his interest in this matter from a letter he forwarded to the committee during its deliberations. We made the decision at that time not to include economic growth center development highways in the bill this year.

When I assumed the chairmanship of the Senate Transportation Subcommittee early this year, we confronted a very difficult situation on the highway bill. Many of the States are running out of funds for their interstate program; one state, Virginia, is completely out of these funds.

In addition, funds for the primary system roads are in equally serious condition. Seven States have exhausted all of their rural primary funds; nine States, including my own, have less than $100,000 left, and five other States have between $100,000 and $500,000.

We have also had, as the Senator knows, some serious problems concerning impoundment of Federal-Aid Highway Funds.

With these facts in mind, I determined to hold early hearings and to move this bill to the floor as expeditiously as possible. I also determined to exercise some fiscal responsibility on this bill, to hold the authorizations as close to the President's suggestions as possible, so that there would be little excuse for impounding funds.

I believe I have met the test of fiscal responsibility. The bill I reported out of my subcommittee had some $500 million less in authorizations than the measure that passed the Senate last year. The full committee added some $200 million in Urban System Funds, but we are still substantially below the figures in last year's bill.

In addition to that, the committee has attempted to cut down on the number of categorical programs, eliminating those which we believed were duplicative of current programs.

In that spirit, we did not include economic growth development highways in the bill. This program has been a demonstration program for the last 2 years, with authorizations at a level of $100 million. Yet the administration has designated only $5 million a year for each of the 2 years. If we add this new amendment to the bill, I believe we can expect more of the same.

I would say to the Senator from Kansas that I am personally sympathetic to the goals of this program. He has many underdeveloped areas in Kansas which could benefit from highways used to revitalize and diversify their economies; I have the same situation in Texas.

Yet I believe that under current law these goals can be attained without adding a separate categorical program for that purpose. If a State chooses it can use its rural primary and secondary money, which we have increased in this bill, for the purpose of revitalizing rural areas. And I would also say to the Senator from Kansas that every highway is, in fact, an economic growth center development highway. That, indeed is one of the principal uses of highways, and I do not believe it is necessary to have a categorical program for that purpose.

In summary, I would say that the Senator's amendment is unnecessary and fiscally unwise. I shall be forced to oppose it.

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

Mr. BENTSEN. I yield.

Mr. STAFFORD. Mr. President, I must join—and I do so very reluctantly, I say to the Senator from Kansas—in opposition to the amendment offered by him. I do so in part because I come from a rural part of the country, where we have some of the same problems that are shared by those parts of Kansas that are rural. I would not include Wichita in that category, but much of Kansas is rural.

I share the interest of the Senator from Kansas in this matter. Indeed, my own State of Vermont has used money from the demonstration program on Economic Growth Development Highways for road construction.

It is my understanding that the program does not have the enthusiastic support of the administration, just as it is clear that the committee bill before the Senate can accomplish the aims of the proposal offered by the Senator from Kansas, as the distinguished chairman of the subcommittee (Mr. BENTSEN) has pointed out. Highway funds are available in the committee bill. There is no need for a separate categorical program. And State can elect to use its rural, primary and secondary Federal aid money for the purpose of revitlizing rural areas.

In summary, there is no real need for

the proposal that has been offered in the form of the pending amendment, and the effort to add another category and additional authorization is contrary to the effort to reduce the number of special categories and to the effort to hold down spending.

So I join the Senator from Texas, chairman of the subcommittee, in opposition to this amendment.

Mr. BENTSEN. Mr. President, I ask unanimous consent that a member of my staff, Mr. Gary Bushell, be allowed the privilege of the floor during the debate and during the vote.

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

Mr. PEARSON. Mr. President, I yield myself such time as I may need.

In response to the comments made by the distinguished Senators from Vermont and Texas, able managers of the bill, in regard to the argument that this was not an appropriate program, that the need as required could be performed under the other sections of the bill, I repeat that I think the judgment of the committee in 1970 and the judgment of the committee in 1972, which not only endorsed the original program but had three modifications designed to make it more viable in this particular field, was the proper attitude, and my amendment goes to that end.

I fully understand the resistance to categorical grants. I am concerned—and I say this not so much in response to the argument made by the Senator from Texas—that we are beginning to get to the point, with respect to proposals made by the administration, that the Senate may be more concerned with the end to the means than the tools to do the job. All of a sudden, categorical grants are no longer viable instruments to solve problems in this country.

It may be true that there may be programs and money in other bills that can do the job, but the fact is that the migration goes on. I do not know what the statistics are in the State of Texas, in the State of Vermont, or in any other State, but I daresay they are equal to what is happening in my State. Out of some 105 counties, 75 lost population, and when the young, intelligent, educated young people leave the rural communities, the lifeblood of that community passed out with it.

The other part of that migration is comprised of those who have moved into the cities. They think they are taking the first step up the ladder of opportunity, only to slide into the ghettos and onto the welfare rolls. That money has been available, for the system is there, ready to be used. The truth is that it has not been used. What the program has been designed to do—not by me, but by others—is not only to plan how much and what would be used, but to do something about the outmigration. I think those purposes are still valid. I think the arguments made on behalf of this proposal in prior years are still valid, and I hope this proposal will be acceptable.

Mr. President, I do not intend to use any additional time, nor shall I ask for a yea-and-nay vote. I am willing to submit the question to the will of the Senate at this time.

Mr. BENTSEN. Mr. President, I shall take but a moment. The principal opposition to this particular amendment is not that we do not feel the argument is not a worthy one; we sympathize with it.

The problem here is that we are trying to cut down on the number of categorical programs for which authorizations are sought. In addition, we are concerned about the question of fiscal responsibility. We are talking about adding a program that would, as I understand it, call for $50 million in the first year, $100 million in the second year, and $100 million in the third year. To the Senator from Texas, that is a very substantial amount of money. Therefore, as the manager of the bill, regardless of the fact that I like the objective, because of the categorical grounds and our efforts to stop the proliferation of categorical grants, I must oppose the amendment.

The PRESIDING OFFICER (Mr. JOHNSTON). The question is on agreeing to the amendment of the Senator from Kansas (putting the question).

The amendment was rejected.

Mr. BUCKLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Beginning with line 4 on page 119 strike out all section 148 through line 6 on page 120.

On page 120, line 8 strike out "SEC. 149" and insert in lieu thereof "SEC. 148", and renumber subsequent sections accordingly.

The PRESIDING OFFICER. Is this the amendment on which the Senator desires to have 2 hours?

Mr. BUCKLEY. Yes, but I will not require nearly half of that time.

First, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUCKLEY. This is the same amendment which the Senator from Wisconsin (Mr. NELSON), joined me in offering last year. Again, he supports it.

Mr. President, the amendment I have sent to the desk would simply strike section 148 from S. 502, the Federal-Aid Highway Act of 1973.

Even though this provision appears to affect only the city of San Antonio, Tex., I am convinced that its inclusion in this bill would have a nationwide impact and that it poses a real and immediate threat to such vital environmental protection statutes as the National Environmental Policy Act of 1969 and section 4(f) of the Department of Transportation Act of 1966, which prohibits the construction of Federal aid highways through parkland unless there is no feasible and prudent alternative.

The Texas Highway Department is seeking special legislative relief from the Congress, by asking us to withdraw the expressway as a Federal aid project so that it will be able to avoid complying with the requirements of Federal environmental statutes and proceed to build the road through the Brackenridge-Olmos Basin Parklands. These requirements are the preparation of an environmental impact statement as required by section 102(2)(C) of NEPA and the study of feasible and prudent alternatives to the use of parkland, a condition of project approval by the Secretary of Transportation under section 4(f) of the Department of Transportation Act of 1966. Both of these statutes were in effect when, on August 13, 1970, the Secretary of Transportation at the State's request authorized Federal funding of two end segments of the 9.6 mile expressway.

Section 148 if enacted would, I believe be the first step in an unending process of undermining on a case-by-case basis the environmental protection statutes which we now recognize as essential to safeguard the country's environment. This section would be the first step in involving the Congress in an endless round of specific adjudications over whether this highway or that dam or this canal should be exempted from compliance with Federal environmental statutes. It would thrust Congress into the realm of the courts in the adjudication of sharply contested specific disputes.

We would be faced, as we are here, with serious factual questions raised by the parties to the dispute but with no satisfactory means to resolve them. We would be asked not only to take on the function of the courts, but also that of the Department of Transportation and make judgment about where highways should or should not go.

I do not believe that we should take that first step. I believe it unwise as a general matter and unnecessary in this case. It would be the beginning of a whittling away of the strong and important safeguards incorporated into statutes such as NEPA. Given my general objection to special legislation of this nature, it is with some hesitation that I embark upon a discussion of the particular facts underlying the dispute over the construction of this highway in San Antonio. For I do not believe that the issue here is whether under the facts of this case Texas should or should not be permitted to proceed immediately with the construction of this highway in violation of Federal law. Rather the issue is much broader. It is whether the Congress should attempt to substitute its judgment for that of the Department of Transportation and the Federal Courts in an individual case.

Nevertheless, in order to present fully my objections to section 148, it is necessary to review in at least a summary fashion the basic outline of the dispute. As I pointed out above, this dispute, like all hotly contested environmental issues, has raised a number of factual disputes among the interested parties. I have tried to avoid having to sort out the various contentions and facts, thus I rely primarily upon the court decision and a DOT report on the North Expressway for my information.

SAN ANTONIO FACTS

The construction of the North Expressway has been under consideration by the Texas Highway Department for over a decade. It was conceived of and planned throughout as a Federal-aid route. Al-

though a bond issue was approved in 1961 for acquisition of right-of-way, final action to authorize construction was not to come for many, many years—in August 1970.

In May of 1968, the Texas Highway Department requested that then Secretary of Transportation Alan Boyd approve construction of the North Expressway. Boyd refused to approve the route unless four important design changes designed to minimize the environmental impact were incorporated into the plans. Texas refused to accept those conditions, and negotiations with the Federal Government continued. Secretary Volpe replaced Secretary Boyd in January 1969, and, like Boyd, he too refused to approve the route proposed by Texas. He specifically said on December 23, 1969, that he could not justify approval for construction of the North Expressway between Mulberry and Tuxedo Avenue. The section which he refused to approve, known as the middle segment of the expressway, was that portion which takes the most parkland.

In August 1970, the Texas Highway Department and Secretary Volpe reached agreement. Secretary Volpe approved two segments of this route at either end of the parks, and the Texas Highway Department agreed that an independent consultant would study alternatives to the middle segment also approximately 2 miles long.

LITIGATION

Following Secretary Volpe's approval of the two end segments, litigation ensued. The U.S. Court of Appeals for the Fifth Circuit, which had under consideration only the segments at either end of the highway since the Secretary was still studying alternatives to the middle segment, enjoined construction of the two end segments because it found, in a unanimous opinion, that there had been no compliance with the National Environmental Policy Act or with section 4(f) of the Department of Transportation Act or section 138 of the Federal-Aid Highway Act. The court said, in a comprehensive opinion written by Judge Homer Thornberry, a respected Texan himself and long a Member of the House of Representatives:

Our task is simplified greatly to begin with because it is undisputed that the Secretary of Transportation complied with none of the above-quoted statutes [Section 4(f) of the Department of Transportation Act, section 138 of the Federal-Aid Highway Act, and NEPA] in his approval of the two "end segments" of this expressway. No environmental study under NEPA has been made with respect to these two "end segments" and the Secretary has demonstrated no effort by anyone to examine the section 4(f) "feasible and prudent" alternatives to the route followed by these two "end segments", which come right up to, if not into, the Parklands from both the north and south. Thus, it requires no discussion to establish that there has been no compliance with any of the above-quoted statutes.

Following the decision of the court of appeals, the Department of Transportation report on the middle segment was published. The study, impressive in its detailed presentation of alternatives to the middle segment, recommended that the route proposed by Texas not be used but instead that one of the alternatives set forth in that report be chosen in order to minimize the impact upon the park. As of yet, however, there has been no decision by the Secretary as to alternatives to the entire route, as the court said there should be.

CURRENT STATUS

Thus the status of this dispute at that construction of the North Expressway is enjoined by order of the court until the State and the Secretary make the required study.

In addition, on January 10, 1973, the U.S. District Court for the Western District of Texas, Austin Division, has further ordered the Texas Highway Department to "proceed diligently and with all speed reasonable under the circumstances to prepare the statement and report required by Federal statutes and regulations, in particular section 4(f) of the Department of Transportation Act—the National Environmental Policy Act—and Department of Transportation PPM 90–1 and to effect whatever is necessary to prepare these reports." The order further reports they shall be promptly submitted to the Secretary of Transportation for his action and he shall act upon said submissions diligently and with all reasonable speed under the circumstances."

In testimony before the Public Works Subcommittee on Transportation, Mr. Sam McDaniel, speaking on behalf of the Texas Highway Department, has assured the committee that the State has done some work on the environmental impact statement. The State could probably submit one to DOT, without a terrible amount of delay. Thus, although it is not known how much work the State has already done, it is clear that the State is in a position to comply quickly with the law. Furthermore, in a letter to me, dated March 14, 1973, Russell E. Train, chairman of the President's Council on Environmental Quality has stated that—

It is my opinion that nothing in the procedures required by either NEPA or Section 4(f) would impose any unreasonable timetable on a final decision about this project. There has been available for at least 18 months a very full study of alternative routes which could serve as the basis for preparing an impact statement and review by the Secretary under Section 4(f). If these processes were allowed to go forward, an impact statement could be prepared in a week or two and made public for comment by Federal, State and local agencies.

He concludes:

Neither the procedures of NEPA nor Section 4(f) would cause significant delay in making a decision on the route involved in this project.

Yet rather than produce the required study, Texas insists upon asking Congress to overturn the court decision and allow it to proceed and to construct the expressway through the parklands.

It seems to me entirely inappropriate to overturn that decision without a thoroughgoing professional analysis of alternatives, particularly where two Secretaries of Transportation have refused to approve the route which Texas will use if this legislation is enacted and since the limited study of alternatives done by the Department of Transportation demonstrated beyond question that there are alternatives which would minimize the impact upon the parks. We are being asked to pass legislation which would permit construction before Texas has initiated any efforts whatsoever to comply with the Federal statutes.

Two of the most fundamental and important requirements of recent environmental legislation are the requirement that an analysis must be made of the impact of the environment from the construction of projects and that an analysis be made of available alternatives.

This is essential if those charged with making the important decisions on highways or related projects are to be alerted to the environmental damage that may be done and ways to avoid that harm. If a State or agency may proceed without making even a cursory examination of alternatives, the fundamental purpose of the statutes will be destroyed. Of course, compliance with these laws places some additional burden upon decisionmaking and construction of projects. In some cases it means a delay in time; in others it may mean both a delay in time and added expense. The price is cheap, however, for the added protection that these statutes have given our air, water, park, and recreation facilities and historic sites. Secretary Volpe, who is deeply concerned about the effects of transportation projects on the environment has said:

If environmental quality costs more, it is worth more

and

We think that protection of the environment is worth some delay.

Thus, the fact that Texas may be delayed somewhat by a necessity to comply with these statutes is no occasion to afford them specific legislative relief. Some of these laws have been on the books since as early as 1966; yet, as late as August of 1971, the court found that there has been no consideration of alternatives. The enactment of new legislation undoubtedly creates a burden for ongoing projects, such as this, but where the State has failed over a 4-year period to consider alternatives clearly required by law I do not believe that we should come to their rescue.

As we move beyond the narrow application of this legislation to the broader consequences, it becomes self-evident that this legislation, even though restricted in its terms for San Antonio, would have a nationwide impact and threaten the effectiveness of statutes such as NEPA. If relief is granted to Texas, we will have firmly established the precedent of intervening in specific highway disputes whenever a State highway department finds itself enjoined for failure to comply with the laws. If the Texas Highway Department is granted specific relief here, every other State highway department now under an injunction will demand similar legislation and I do not see on what basis we could refuse their request. Although Texas may argue that

its situation is unique and therefore it should be entitled to some special treatment, I have serious reservations about that. Of course, every highway dispute is in some sense unique; perhaps, in the same sense that every individual is unique. However, many State highway departments would undoubtedly be able to present the same type of case as Texas for relief.

It is for this reason that the Nixon administration has opposed section 148. As Secretary of Transportation Claude Brinegar stated:

> This effort to legislate an exception to environmental laws that the Congress has established is neither good government nor conducive to the preservation of the environment that all have accepted as a primary national goal. We recommend that this provision be deleted.

We have in the recent past witnessed various attempts to carve out exceptions to the National Environmental Policy Act where its provisions have begun to have some effect. I may cite the proposed granting to the Atomic Energy Commission of special interim licensing privileges in the face of emergency situations. These attempts related primarily to the authority of the Atomic Energy Commission to issue interim operating licenses for nuclear powerplants and the authority of the Environmental Protection Agency to issue water quality permits. Similar legislation was designed to expedite Government decisions with respect to major electric power facilities. Thus far, we have been successful in protecting NEPA against any piecemeal amendments which would undermine its protections. However, I fear that we now see another strategy for circumventing the requirements of NEPA and evading its requirements on a selective basis. Can one really doubt that if this amendment is passed to allow the Texas Highway Department to proceed with this route, we will not get similar requests from the Atomic Energy Commission for particular power projects or from the Army Corps of Engineers or from other State highway departments?

The effects of NEPA and other environmental statutes are now beginning to be felt, but only now. Of course, they make construction of projects somewhat more difficult, in that they require much broader analysis of the social consequences of these projects before they are undertaken. That should not, however, be viewed as an unfortuate consequence of the legislation. Indeed, the environmental protection laws were specifically designed to require that greater study, attention, and care be given in these large public works projects which have in the past often been responsible for serious and irreparable injury to the environment.

If this legislation is adopted, it will be a clear signal to State highway departments as well as others, including the courts, that Congress has begun to turn its back on the environmental protections included in statutes such as NEPA and section 4(f). It will hold out hope to those who wish to avoid compliance with those laws that if they resist long enough they may be rescued by special legislation.

To be effective, the environmental protection laws must be followed not only to the letter but also interpreted in the spirit in which they were enacted. Enactment of these laws and their enforcement has not been easy. Yet they represent a great step forward in this Nation's effort to reverse a long trend of environmental degradation. It is vital that they be protected against collateral attack.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter I referred to in my statement from Chairman Russell Train.

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

COUNCIL ON ENVIRONMENTAL QUALITY,
*Washington, D.C., March 14, 1973.*

Hon. JAMES L. BUCKLEY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR BUCKLEY: Thank you for your inquiry regarding our views on Section 148 of S. 502, which removes the San Antonio North Expressway from the Federal-Aid Highway system and terminates the long Federal involvement in this project in order to avoid the application of environmental requirements of Federal law.

The Council is of the strong view that this provision represents an extremely bad precedent and a retreat from the Federal Government's commitment to important national environmental concerns as expressed in the National Environmental Policy Act and Section 4(f) of the Department of Transportation Act of 1966.

Discontinuing the long Federal involvement in this proposed highway project, particularly when the final requirements to be met consist of a consideration of environmental values, raises the serious question whether this project can meet the environmental analysis all other federally assisted highway projects in the country are subject to and the possibility that Congress will be called upon to decide disputes about any number of other highway projects.

NEPA and Section 4(f) of the Department of Transportation Act of 1966 do not prohibit construction of highways. They represent Congressional judgments that highways (as well as all other Federal projects) should be subject to a rational decision-making process in which all factors, social, economic and environmental, are taken into account. A provision such as Section 148 in Senate bill, S. 502, which excludes a specific project from this Federal commitment to good environmental management, short changes the particular environment affected and undercuts our ability to enforce these laws elsewhere.

It is my opinion that nothing in the procedures required by either NEPA or Section 4(f) would impose any unreasonable timetable on a final decision about this project. There has been available for at least 18 months a very full study of alternative routes which could serve as the basis for preparing an impact statement and review by the Secretary under Section 4(f). If these processes were allowed to go forward, an impact statement could be prepared in a week or two and made public for comment by Federal, State and local agencies.

The Council on Environmental Quality guidelines on NEPA provide that a final decision could then be made in as little as ninety days. Under Section 4(f) the Secretary of Transportation could make the necessary review and decision on the basis of the final impact statement available then. Thus, neither the procedures of NEPA nor Section 4(f) would cause significant delay in making a decision on the route involved in this project.

Sincerely yours,

RUSSELL E. TRAIN,
*Chairman.*

Mr. BENTSEN. Mr. President, I oppose this amendment to delete section 148. The Senate considered this same amendment last year and it was defeated 24 to 49.

Senator BUCKLEY indicates that his principal objection is not to this particular project but to the precedent that adoption of section 148 would set. I am sure that is a great comfort to the people of San Antonio who have been trying to build this project since 1959.

The only precedent set by section 148 is that if we use Federal funds we must meet local standards.

That is not a precedent, if there is one, that's just a statement of the "carrot and the stick" concept which most of us have always thought applied to Federal aid projects.

Section 148 does not make an exception to a Federal environmental standard for a federally funded project. It simply approves the action already taken by the State of Texas in returning the Federal funds designated for this project and removes any Federal involvement. What happens after that is up to the State of Texas and the city of San Antonio. Section 148 does not mandate that any highway be built.

I also think it is important to note that section 148 prevents the State of Texas from switching these funds to another project and insures that if they do decide to continue with this project, it will be done with truly local funds and no other funds.

Senator BUCKLEY speaks of all these interstate projects waiting back here in the hills and in the wings which will be seeking relief. This is not an interstate project. I have not heard any State offering to build a 90 percent federally-financed interstate system with local funds. Just name me one. Even if a State wanted to build one, Congress could not wash its hands of such a project. Interstate highways have been designated as part of a national system. What we have in San Antonio is local people wanting to build a local road with local funds. According to testimony received by the Transportation Subcommittee, this is the only instance in which such local action has not been allowed.

The Senator from New York was eloquently speaking yesterday, when we had the Muskie-Baker amendment up, about how he wanted local options and local decisions to be made. That is what I am asking for the people of Texas.

The committee received testimony on how the project has been caught in two changes in Federal standards now requiring a reapproval process of 5 years or more if it remains a Federal project.

The Senator from New York said that they could reapply for approval under the National Environmental Policy Act and that they could do it quickly. But he

did not tell you, Mr. President, how long it would take.

I hold in my hand a flow chart that tells us how long it would really take and the number of applications that have to be gone through. It would take 4 years or more. We are talking now about waiting since 1959, that is, the people of my State have, in order to build this highway.

The city and State have already spent $11 million on this expressway and a great deal of that money will be lost in a 5-year delay. In addition to the money wasted, this expressway is needed now. The committee received testimony that traffic accidents in the area are running four times as high as would be expected with the expressway in use.

A Texas Highway Department study has concluded that air pollution in the area will be 94 percent higher by 1990 if the expressway is not in service. But most important, the people of San Antonio who know their city best, and who know this route the best, want the expressway built.

I do not know how many Senators have been to San Antonio. It is a beautiful city. They have done more on city beautification than most other cities in this Nation. Just take a look at the San Antonio River, how they have cleaned up what once was an open sewer running through the city. They were early in the fight for beautification. They think a great deal of the Brackenridge Park, which has been the subject of debate here, and they want to protect Brackenridge Park. They feel that no serious damage will be done to the park by the building of the expressway.

How did they express themselves? They expressed themselves by voting 2 to 1 for a bond issue to pay for it, to tax themselves to do it.

About 103,000 citizens signed a petition in only 10 weeks urging completion, after it had been stopped by the legal hassle.

Just this past month, the City Council of San Antonio and the Mexican-American Chamber of Commerce of San Antonio unanimously endorsed the project. Every elected official that I know of in San Antonio, the two Senators from the State of Texas, who should know the conditions best there, have endorsed the project.

There has been some concern expressed about the effect of the proposed route on parklands. Of 323 acres in Brackenridge Park only about 9 acres are lost and most of these come from a golf course which has been rebuilt around the route and has been back in play for 3 years. The route also crosses a portion of the Olmos Basin which is used for flood control and parts of which are also being used for recreational purposes. The director of parks for the city, Mr. Frazer, submitted a statement to our committee that of the portion of the basin which is currently being used for recreational purposes, only 4 acres of picnic grounds will be taken by the route. That is only 4 acres out of 700, and Mr. Frazer says those picnic grounds can be relocated in the same general area. I ask unanimous consent that the entire text of Mr. Frazer's statement be printed in the RECORD along with some additional statements of support.

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

STATE OF TEXAS—COUNTY OF BEXAR

Before me the undersigned authority on this day personally appeared Robert L. Frazer, whose name is subscribed below, and on his oath stated:

My name is Robert L. Frazer, I am Director of Parks and Recreation for the City of San Antonio and have held such position for 17 years. I am generally familiar with the route for the proposed North Expressway in San Antonio and have been familiar with same since 1959.

I am familiar with Brackenridge Park in the City of San Antonio and with other public lands owned by the City of San Antonio north of Brackenridge Park located within the Olmos Creek drainage basin. In addition to the Brackenridge Park itself other recreational facilities included in this general area are the San Antonio Zoo, Sunken Gardens and Sunken Garden Amphitheatre, and north of Olmos Dam various baseball, football, soccer fields, archery ranges, a golf course, and an improved picnic area.

The North Expressway has taken between eight and nine acres from the extreme southwest corner of the Brackenridge Park Golf Course. The golf course has been rebuilt to accommodate the expressway and has been back in play in its realigned configuration for about four years. The golf course is an eighteen hole course and lies between the expressway and the remainder of Brackenridge Park. After leaving the golf course the expressway going north passes through a residential neighborhood and next passes in close proximity to recreational areas at the Sunken Garden Amphitheatre and the Sunken Garden. The expressway is located on a high bluff overlooking both of these facilities. The road is designed to extend some seven or eight feet over the rear portion of the Amphitheatre. It is far enough removed from the Sunken Garden that Scenic Drive (the road now overlooking the Sunken Gardens) will remain in place and be available to furnish spectators with a scenic view of the gardens. The Amphitheatre is rarely used except for rock music concerts.

The expressway route next passes to the west of the San Antonio Zoo across an area of unimproved land owned by the City of San Antonio and sometimes used for storage purposes and the grazing of animals.

The expressway next passes through an area of private ownership reaching City-owned land north of the Olmos dam and within the Olmos Flood Detention Basin. The Basin consists of about 1,000 acres of which about 400 acres have been developed for various recreational uses. These consist of baseball diamonds, football fields, archery ranges, a golf course, and an improved picnic area. With the exception of the picnic area none of the improved recreational facilities are infringed by the expressway and with the exception of the golf course none of the other improved recreational areas are in very close proximity to the expressway. The golf course was constructed in the early 1960's and is laid out along the western right-of-way line of the expressway in the northern portion of the Olmos Flood Detention Basin.

The improved picnic area consists of about 19 acres. About 4 acres of this area along its west side are included within the limits of the expressway itself. This area, the only area of developed recreational land in the Basin used by the expressway right-of-way has not been replaced by other picnic areas; however, there is ample land in the basin for such replacement if public use of the picnic area justifies its replacement.

Use of the various ball fields and other recreational areas will not be affected by the expressway.

In addition to the lands contained in the Brackenridge Park area and in the Olmos Detention Basin the City has other recreational facilities in the northern part of the City and has continued throughout the 1960's and to the present time with a program for developing further recreational land. Pursuant to this program and as a part of the same bond election approving funds for the expressway the City was authorized to acquire and did acquire over 1,000 acres of land for park purposes in the northern part of San Antonio. Various other additions to the City's park facilities have been authorized and made since that time.

While I personally prefer that the North Expressway not be constructed anywhere in the Olmos Basin area; with the exception of the Picnic ground, in my opinion a properly designed expressway will not adversely affect the recreational uses being made of parts of the Basin or Brackenridge Park.

ROBERT L. FRAZER.

Subscribed and sworn to before me this 2nd day of February, 1973.

CAROL MARIE KNIPPA,
*Notary Public.*

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RESOLUTION

Whereas, the City of San Antonio has been trying to have the North Expressway (U.S. 281) constructed for many years; and

Whereas, the people of San Antonio have expressed their overwhelming support of this project; and

Whereas, the will of the majority has been frustrated by a small group of self-appointed protectors; and

Whereas, this small group has on several occasions circulated misleading information; and

Whereas, the United States Senate Public Works Committee is considering Section 147 of S502 sponsored by Senators Bentsen and Tower to free the North Expressway from Federal control and will permit it to be built as a local project; and

Whereas, approval of Section 147 of S502 will permit work on the North Expressway to be resumed. Now, therefore,

Be it resolved by the City Council of the City of San Antonio: That the City Council reaffirms its unqualified support of the North Expressway Project; and be it further resolved:

That the City Council urges the United States Public Works Committee give its speedy approval to Section 147 of S502 sponsored by Senators Bentsen and Tower.

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RESOLUTION

Whereas, the construction of the North Expressway has been partially completed and has been pending since 1961;

Whereas, the failure to complete this Expressway has deterred the Transit System in Bexar County and has impeded the mobility of this community, causing great inconvenience in the cross traffic in this metropolitan area; and,

Whereas, Commissioners Court of Bexar County feels that the completion of the North Expressway is necessary and vital to the completion of our highway system that is so important to the life of downtown San Antonio and to the citizens residing in the suburban areas; and,

Whereas, the abovementioned action is of great importance to all citizens of Bexar County; Now, therefore,

Be it resolved by Commissioners Court that we whole-heartedly endorse the Bentsen-Tower Legislation pending in the Congress

(Section 147, S502), which would allow the North Expressway to be completed with state funds.

Witness the signatures of the members of Commissioners Court of Bexar County, Texas, and its official seal on this the 23rd day of February, A. D., 1973.

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SAN ANTONIO-MEXICAN
CHAMBER OF COMMERCE,
*San Antonio, Tex., February 23, 1973.*

Senator JENNINGS RANDOLPH,
*Chairman, Committee on Public Works,*
*Washington, D.C.*

DEAR SENATOR RANDOLPH: I want to communicate to you the decision of the Board of Directors of the Mexican Chamber of Commerce to support passage of Section 147 of S502. This unanimous decision was reached at the Board meeting of the Mexican Chamber of Commerce held on Thursday, February 22, 1973.

There were no dissenting votes by any of our Board members present and it was universally agreed that this North Expressway has been delayed long enough by special interest groups, causing continued traffic problems between downtown and north San Antonio. Additionally, this long delay has caused a maintenance problem along the current right-of-way which is now a bad traffic and health hazard, not to mention the unsightly abandoned condition that has been created.

This North Freeway is badly needed by our city, and we strongly urge you to vote for this Bentsen-Tower North Freeway provision of the Highway Act.

Sincerely,

DANIEL B. GOMEZ,
*President.*

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FINDLING, MILAM & PYLE,
*San Antonio, Tex., April 19, 1972.*

CITIZENS COMMITTEE FOR COMPLETION OF THE NORTH EXPRESSWAY,
*San Antonio, Texas.*

GENTLEMEN: We hereby certify that we have counted 103,337 signatures on your petition:

"We, the undersigned residents of San Antonio and Bexar County, strongly urge the immediate resumption of construction and prompt completion of the North Expressway project. The people have been too long denied the use of this expressway and feel that the delay has been detrimental to the general welfare of all."

This petiiton was circulated between September 29, 1971, and December 15, 1971, and our firm was selected by your committee to count the signatures.

Yours very truly,

FINDLING, MILAM & PYLE.

Mr. BENTSEN. The Senator from New York listed 30 interstate projects which might seek this relief. The distinctions as to these are obvious. They are 90 percent federally financed national defense roads. He lists other noninterstate Federal-aid highways. But are these people willing to give up their Federal funds and proceed with only local funds? And if they are, has $5 million been spent after the Department of Transportation approved construction? And is their construction washing away? I doubt it.

Senator BUCKLEY expresses concern that other State highway departments will bring us their problems. The Texas Highway Department did not bring this problem; 103,000 people of the city of San Antonio brought this problem to our attention—citizens who are concerned about the environment of their city, concerned about piles of concrete and dirt and rusting steel beams. Some of the same San Antonio citizens who support section 148 were active in the preservation of the San Antonio River and the building of the city's many recreational areas.

All this section does is to allow these people to make the decision as to whether an expressway will be built at all, and if so, where.

Mr. President, I think it is time we listened to the local people and take the Federal Government out of this project.

Mr. President, the Senate voted against this amendment by a margin of 2 to 1 last year. I urge the Senate to do so again.

Mr. TOWER. Mr. President, will the Senator yield me 6 minutes?

Mr. BENTSEN. Mr. President, I am pleased to yield to the distinguished senior Senator from Texas.

Mr. TOWER. Mr. President, I join my very distinguished and very eloquent colleague in opposing the amendment offered by the Senator from New York, and I associate myself with Senator BENTSEN's remarks.

Exactly 6 months ago this week, this identical question regarding the San Antonio "North Expressway" was fully debated in this chamber. At that time, the proposal of the Senator from New York to strike the San Antonio language from the 1972 highway bill was soundly defeated. An identical San Antonio provision was passed by the House of Representatives. Unfortunately, due to questions entirely extraneous to this provision, the bill failed of final enactment.

I urge Senators on this occasion, even as I did during last year's debate, to join me in defeating this amendment.

I am pleased that the Public Works Committee has again this year included language in the highway bill which will permit the State of Texas to return some $1.8 million in Federal monies to the Department of Transportation and complete the expressway with State and local funds. This issue was fully aired during public hearings before the Committee's Transportation Subcommittee, chaired by my colleague from Texas. I have carefully read the testimony which was presented and upon which the committee's decision to include section 148 was based. The record is clear and speaks for itself; therefore, I shall be brief.

Enactment of section 148 would enable the people of San Antonio to realize the completion of a public improvement they have long sought and strongly supported. During the month of January 1961, residents of that city held a bond election, at which time it was voted by a 2-to-1 margin to acquire the requisite rights-of-way for the north expressway. During intervening years, there has evolved a complicated chain of events marked by controversy, misunderstandings, and bureaucratic delays. The determination of the citizenry to complete the expressway has not waned, however, as evidenced by a petition urging completion, handed me last year, to which over 103,000 residents of San Antonio had affixed their signatures.

Mr. President, opposition to section 148 appears to be based on two primary concerns: First, that the provision establishes dangerous precedent, and, second, that completion of the expressway would be detrimental to the environment of San Antonio. Each of these concerns was addressed and rebutted on the floor of this chamber last year and once again several weeks ago during public hearings. Nevertheless, further attention is now required.

With regard to the "dangerous precedent" argument, I direct the attention of my colleagues to page 23 of the committee report on the pending bill. There are, indeed, unusual circumstances which surround the San Antonio experience which sufficiently distinguish it from any problem now existing or capable of arising at any point in the future.

The project is a non-interstate urban expressway sited wholly within the limits of the city of San Antonio. Following initial route approval by the Federal Highway Administrator in March of 1964, the State purchased the requisite rights-of-way and completed the relocation at a cost of some $7 million, comprised of State and local funds. It was not until well after this exercise of planning, receipt of Federal approval, and expenditure of State and local funds that the National Environmental Policy Act—NEPA—and section 4(f) of the Department of Transportation Act were enacted.

More recently, subsequent to NEPA and 4(f), and prior to recent Federal court decisions defining the standards by which administrative approval by the Secretary of Transportation is to be granted, the Secretary did in fact approve the letting of construction contracts on the project—bids were accepted, contracts let, and construction begun.

Mr. President, the facts surrounding the San Antonio expressway chain-of-events are indeed sufficient to differentiate it from any other example now existing, and certainly at no point in the future could such a factual situation come into being. A dangerous precedent will not be established by the retention of section 148.

Turning next to the environmental question which has been raised, it has become apparent that oft times false claims have unfortunately overshadowed the facts. Brackenridge Park, of which both San Antonio and the entire State of Texas are justly proud, will not be destroyed as has been claimed.

Only some 9 acres of the park will be affected, and that being located at the extreme southwest corner of the Brackenridge golf course. In fact, the golf course has been rebuilt to accommodate the expressway and has been back in play in its realined configuration for some 4 years.

I could well offer other comment concerning the effect of the completed expressway on San Antonio's park lands However, one who knows the facts better than I, Mr. Robert L. Frazer, director of parks and recreation for the city of San Antonio for the past 17 years, testified under oath as to the impact of the expressway. For the benefit of Senators, that testimony is reproduced on page 463 of the subcommittee hearings

on the pending bill. In essence, Mr. Frazer states that:

A properly designed expressway will not adversely affect the recreational uses being made of parts of the Olmos Basin or Brackenridge Park.

Mr. President, San Antonio is a unique city, and if any community in my State—or in the Nation, for that matter—is vitally concerned about the preservation of its environment and the retention of its natural beauty, it is San Antonio. The urban renewal effort there has done wonders for the revitalization of the central city. The San Antonio River, which winds its way through the downtown area, once considered an evidence of "urban blight" by many, is now a primary showcase of the city and of the State.

The early Spanish heritage of the city has been jealously guarded through the preservation of historic residences and landmark structures throughout the area.

I cannot believe that the City Council, the Commissioners' Court of Bexar County, countless civic organizations, and, most important, the people of San Antonio, speaking through both petition and the ballot box, would have pursued the completion of the north expressway if indeed its completion would seriously damage the beauty and vitality of their city. Likewise, if for a moment I felt that section 148 were a provision directed at the elimination of park land or a dangerous precedent as regards the administration of our Federal environmental statutes, I would not place my support behind its passage.

In conclusion, Mr. President, I would hope that we in this body never reach the point that we feel ourselves so restrained by statute that we refuse to examine the merits of an individual case which reaches us for consideration. The San Antonio north expressway represents just such a case, boasting facts which, when balanced, find the equities in favor of its completion.

The people of San Antonio have spoken. Their elected officials have spoken.

I urge my colleagues to join with me in defeating the pending amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I have been very much impressed by the eloquence of my two friends from Texas. Certainly, when they speak about local autonomy and decisionmaking, they go to my own feelings about local responsibility in this country. It is for that reason that I have been opposed to seeing the Federal Government move into so many areas where local governments have had the competence to make their own decisions.

However, the fact remains that when one seeks Federal money it comes with Federal conditions attached. This is a fact of life. Therefore, the people of San Antonio, Tex., abrogated their right to move as they wished when they submitted themselves to Federal jurisdiction in this matter. We are now talking about the integrity of those laws, of the whole system, not as it applies to a narrow stretch of road in San Antonio, but as it applies across the country.

I suggest that notwithstanding those attempts to distinguish this case, it does provide a very large precedent and one which will be cited time and time again. What it is saying, in effect, is: Go ahead and reach out for that Federal money and when your hand gets caught in the environmental cookie jar, offer it back and proceed.

It is my understanding that there are over 30 cases, certainly not on all four's with this one, where equivalent arguments could be made for elimination of Federal protection. There was one matter offered in committee by the Senator from Virginia relating to the exemption of I–66 in Virginia. He understood arguments against this kind of legislation and, therefore, he resubmitted an amendment which would contemplate the full environmental procedures, only providing that there would be special priority granted to the consideration of the impact statement once submitted.

A district court order issued on January 10 of this year provided the same protection of this priority consideration to the State of Texas and to San Antonio. It directs the Secretary to proceed wih all good speed in handling the application. We have testimony from the representative of the State of Texas Highway Department which, in effect, states that if they put on a little steam, if they take these things seriously, it would not take long for the study of alternatives to be completed. We know the Department of Transportation is in a position to act swiftly. This is reflected in the letter from CEQ Chairman Train which I have cited and introduced in the RECORD.

I suggest we will see another example later today from a Senator I esteem greatly, the senior Senator from New Hampshire, who, I understand, intends to introduce an amendment for a waiver of a section of highway affecting his State.

No; we will be opening a Pandora's box if we isolate a specific case where matters affecting sensitive areas in a Senator's State are concerned.

The junior Senator from Texas made a point about the environment and the awful eyesore and the waste of money resulting from the two approaches, north and south, of this proposed project, and the rusting away, causing erosion. If this is a fact, this is a self-imposed eyesore and self-imposed contamination because the State well knew when it proceeded with the construction and proceeded to spend funds extending highways north and south that the matter was under serious controversy and in the courts. If they spent the money in the face of litigation, they did so imprudently and that is not a matter to which Congress should address itself. It is not sufficient cause for us to begin eroding the validity, the vitality, and the impact of our legislation in the environmental field.

We hear that only 4 acres of picnic lands will be affected. The senior Senator somehow enlarged it to 9 acres. I invite the attention of Senators to page 470 of the hearings which are on the desk of each Senator to see a graphic description of the area which will be affected should this route be followed. It involves at least 150 acres. This is a significant impact on that park. But I do not believe we here should be arguing whether or not this is desirable or not desirable. This is precisely the determination that is to be made by competent transportation authorities on the basis of a comprehensive study.

I believe we have, through the essentials of this controversy, insufficient detail to allow Members to make their own judgment. I only regret that more Senators could not be present. It was pointed out that last year my amendment was rejected by 2 to 1. It was rejected by a vote of 2 to 1 because I am convinced at that time there was an insufficient understanding of the importance of this matter. Very few people were present to hear the debate, but I do hope that in the intervening months there has been an opportunity for people to think this matter through and understand we cannot begin legislating special exemptions to legislation designed to achieve broad goals, nor can we begin to examine item by item every last bit of public works constructed in the United States.

If the distinguished Senator from Texas is ready to yield back his time I am ready to yield back my time.

Mr. BENTSEN. Mr. President, the Senator from Texas has agreed to yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first, it is with reluctance that I disagree with my distinguished colleague from New York. Usually, if I do not agree with him, I do not find fault with his rationale and reasoning, but, in this instance, I find fault even with that because it seems to me the major thrust of the argument of the Senator from New York is one of precedent. He goes against the precedent we would set here today.

The theme of his argument is that it is wrong to commit a present injustice in the name of avoiding a future misapplication of this section. Based on the facts as I found them as a member of the committee and as previous Committees on Public Works found them, it seems to me there is no question but that to agree with the Senator from New York is to agree that the present injustice of a serious nature must be permitted to stand because we are concerned that we will not be able in the future to distinguish similar injustices that come before us or other tribunals charged with environmental protection for the citizens of this country.

I think the hearings of the subcommittee clearly indicate that this is indeed a peculiar situation, one that we will not find in the future, at least in the future application of the environmental laws of this country, for the

project was started before we had one. It was on its way to completion before we had a law. The State of Texas would have completed it but for the fact that we come along with a Federal system that says, "We will give you money," and then, after the fact, decides on environmental protection requirements that could indeed have little impact on the entire area, but the procedural requirements would undoubtedly burden the situation and perhaps cause millions of dollars to be wasted.

I would only conclude by saying for myself, as a member of the committee, I read the statements of experts from San Antonio who said unanimously that no harm would come, and they would like to complete it for themselves. I wanted to hear from the people of San Antonio what feeling they had about it. It is interesting to tell the Senate the results of how they feel. I asked for and got mail from around the country and got a majority of 4 to 1 from about 50 people who live in the area around the country, who disagree, but not in Texas, with the Senator from Texas, but again, from a population of San Antonio some 600,000 of the people there, the ratio was reversed. They supported it 5 to 1. The letters and correspondence were not the letters and correspondence from any lobby, but were letters from individual citizens who wanted to go to work easier, individual citizens who wanted to get to the recreation areas of Texas easier.

Indeed, it seems to me an anomaly that we here discuss the great idea of returning to local government the authority to do what it can do best while in this instance, with the hue and cry of the citizens of Texas, who say, in an orderly manner, "Let us finish this ourselves; it was started before we had any law," we will come along and say, "Yes, we want local government to be in here, but we would like you to delay the local project, which is years behind schedule, so you can comply with Federal standards the impact of which are purely speculative." And indeed, as we look at them across the country, as we change the law and apply the law today, this action is infinitesimal even if it were to cause some little harm to the environment.

I thank the Senator for yielding.

I agree wholeheartedly with the principle for which the Senator shows a concern, but, justice, I think, demands that the amendment be defeated.

Mr. BAKER. Mr. President, will the Senator yield me 2 minutes?

Mr. BUCKLEY. I yield 2 minutes to the Senator.

Mr. BAKER. Mr. President, the question of the applicability of the National Environmental Policy Act and of other statutes having an environmental rationale or a conservation basis is not a unique one to this body or to this Congress or to the courts.

In my service on the Joint Committee on Atomic Energy the question of the effect of NEPA and the applicability of environmental impact requirements as well as other provisions of that act have been painfully and torturously examined and reexamined by the Atomic Energy Commission and by the courts.

My position in such situations has been that while NEPA has worked a hardship in some respects, we should not recede from an overall respect for the requirement of a national system for environmental protection that must continue and endure, and that a way must be found to comply with these standards, without the standards being unconscionable impediments.

In the case of highway construction, there is the question of the applicability of section 102 of NEPA. The solution proposed in section 148 of the bill is unique indeed. It would remove from the Federal aid highway system a portion of road, which otherwise would come under the requirement of Federal highway and related legislation.

I have no desire to intrude my opinions and judgment into the affairs of the sovereign State of Texas, and certainly no desire to undercut the efforts of my distinguished friends from Texas (Mr. BENTSEN and Mr. TOWER), who so ably represent that great State in the Senate. On the other hand, I cannot help but express my concern for the precedent being set here. I have a somewhat dissimilar, but not entirely dissimilar, situation in my own State of Tennessee with respect to the Overton Park project, which is now involved in litigation over the question of whether or not highway-related law has been complied with in the identification of alternative proposals for the construction of this portion of interstate highway through Overton Park.

I have never contended that it should be removed from the Federal system, or that the law of the United States should not be complied with. Rather, I believe, that we should get about the business, as fast as possible, of resolving this dispute so we can build the highway, not remove it from the Federal system.

I intend to support the Buckley amendment. I think it is important in principle, even though it may cause some hardship to the people of Texas and even though I recognize that the issues involved in this problem are unique.

Mr. BENTSEN. Mr. President, I yield 3 minutes to my colleague, the distinguished Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, I would like to underscore a point that has been made by the Senator from New Mexico (Mr. DOMENICI), and point out that the Environmental Policy Act was passed many years after the right-of-way had already been acquired, the route had already been approved, and the citizens of San Antonio had spent a great deal of money. The matter became fouled up in a faceless bureaucracy here and was subjected to the whims of some arbitrary civil servant who treated the people of San Antonio with the arrogance of a maharajah. I do not think our cities should be subjected to that kind of treatment.

Senator BENTSEN has already clearly and adequately made the case that this is not a precedent and that this situation is unique.

Mr. President if you want to foul up the environment in San Antonio, force the people to buy the right-of-way for another route, leave this structure a useless eyesore, force them to buy another route and use up other valuable land. If we want to follow the spirit of environmentalism, the best thing we can do is defeat the amendment offered by the Senator from New York and accept section 148.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, may I have 1 minute?

Mr. BENTSEN. Mr. President, I am pleased to yield 1 minute to the chairman of the committee.

Mr. RANDOLPH. Mr. President, I have no desire to enter into the argument from the standpoint of supporting information brought to the Senate by the able Senators from Texas (Mr. BENTSEN and Mr. TOWER). I want only to reflect that the record made last year shows a very thorough debate in the Senate on this item. I believe the judgment of the Senate then, which expressed in a vote was of 24 to 49 against the position of the Senator from New York (Mr. BUCKLEY), should be reflected also in the vote this afternoon. The Senator from Texas described the uniqueness of the San Antonio situation to the committee in a way that convinced us to include the provision in the bill. I believe that today he has again made a case for the rejection of the amendment offered by the Senator from New York.

Mr. BUCKLEY. Mr. President, I would like to comment on the statement made by the senior Senator from Texas and the Senator from New Mexico and by the distinguished chairman of the subcommittee (Mr. BENTSEN).

We recognize the action taken last year, but this is a new Congress. There are new people here who did not participate last year, new people in the House of Representatives who are not in my judgment, bound by such precedent as we may have established last year in considering this particular question.

We heard statements from the Senator from New Mexico and the Senator from Texas about correcting a present injustice. I think the facts need to be corrected.

In the first instance, the city of San Antonio began planning for this expressway well before the relevant Federal statutes came into being. The fact is they did not first apply for Federal funds until 1968, or 2 years after the enactment of section 4(f). Federal approval did not come until August 13, 1970, 8 months after the enactment of NEPA. There was nothing to stop the city of San Antonio from proceeding, however it wanted, without Federal funds, as its willingness to return those funds confirmed.

Second, we have heard a great deal—and I certainly am impressed by the extent of the desire of the people of San Antonio for an expressway. They voted back in 1961 the bond money for an expressway. I suggest that they did not necessarily vote for this precise route, given the number of alternatives that are available for getting the people of San Antonio from one end to the other, as reflected in the Gruen report prepared for the Secretary of Transportation.

Mr. President, at this stage, I am quite

willing to return the balance of my time for the convenience of the Senator.

The PRESIDING OFFICER (Mr. COOK). Does the Senator from New York yield back the balance of his time?

Mr. BUCKLEY. I am prepared to.

Mr. BENTSEN. Mr. President, if it is agreeable to the Senator from New York, I will close the argument in 5 minutes.

Mr. BUCKLEY. Very well.

Mr. BENTSEN. Then I will yield back the balance of my time.

The PRESIDING OFFICER. Does the Senator from New York yield back the balance of his time?

Mr. BUCKLEY. I reserve the time.

The PRESIDING OFFICER. What does the Senator from New York do?

Mr. BUCKLEY. I reserve the time.

Mr. BENTSEN. Then I reserve my time.

Mr. President, to conclude my remarks on the subject let me summarize the distinctions between the San Antonio project and some which have been mentioned on the floor this afternoon.

The San Antonio Expressway is not an interstate highway and never has been.

Construction was begun only after the Secretary of Transportation agreed that if final Federal approval could not be obtained, it could be built with State funds.

And to build the road with State funds is all the State of Texas is asking.

Unlike the projects which have been mentioned this afternoon—only local funds would be expended on the San Antonio Expressway. Therefore, Mr. President, only local standards should apply.

I would like to read to the Senate an excerpt from the testimony submitted by the Transportation Subcommittee because it speaks specifically to this question of precedent:

> The facts of the San Antonio situation isolate it and make it so unique that it could in no event be precedent in a traditional sense. The partially done construction referred to by the fifth circuit as a huge concrete offspring was commenced under a unique agreement thought by both DOT and the State to be perfectly proper. Under it, the Secretary approved construction of the end segments provided that if the Secretary and the State could not agree on a middle section, none of the project would be eligible for Federal aid.
>
> Both parties thought the road could be built as a wholly State project if the State and Federal agencies could not agree on it. Construction was commenced with the State agency aware of and accepting the fact that it might be forced to pay for the total cost of the project. There was no way that either agency could have known either that the rules of administrative review would be changed, or that the relationship with the Federal Government would be held forever binding. With everyone concerned at the time acting in good faith, a terrible mess has resulted in San Antonio. Great sums of money are already lost and more is being lost; an eyesore exists, and peoples' needs are not being served.
>
> This is the only case in America in which the people have been denied the right to build a highway within the boundaries of their own State, with their own money, for their own use.

The only case in America, Mr. President.

Mr. President, I ask the Senate to oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STAFFORD. Mr. President, would the Senator yield to me for a unanimous-consent request?

Mr. BENTSEN. I would be pleased to yield to the distinguished Senator from Vermont.

Mr. STAFFORD. Mr. President, I ask unanimous consent that Mr. E. Steven Swain, of the Committee on Public Works staff, may have the privilege of the floor during the remainder of the debate on this bill.

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

Who yields time?

Mr. BUCKLEY. Mr. President, I yield myself 2 final minutes.

I would like to rectify two of the statements that have been made eloquently by the Senator from Texas.

Yes, the State of Texas proceeded to spend its money as the result of the Secretary of Transportation's authorization made in 1970; but the Secretary of Transportation also stated that before any approval of the middle section be made, the alternatives had to be determined. If we consider this as a package deal, the State of Texas is now repudiating the central part of that package.

I might note in passing that the circuit court of appeals found in its decision that in agreeing as he did, the Secretary was,

> Acting in a clear abdication of his section 4(f) responsibilities.

The court further found that the so-called agreement with the State of Texas was also in violation of the law.

I suggest, Mr. President, and I think this is important across the country, when people are trying to resist the NEPA law, instead of trying to comply with it—had the State of Texas gone forward and decided to comply with the law, rather than fighting—the people of San Antonio would be well on the way toward having an expressway now, perhaps down the route indicated by the State of Texas planning, or perhaps some other route. At least, we would have had progress. It would have been a route in which all valid considerations are taken fully into account.

I yield back the balance of my time.

Mr. BENTSEN. I yield myself a final 3 minutes.

It comes down to whether some people in Texas—who have already spent this $11 million of their own funds and been assured by the Department of Transportation they could complete the project with their own funds if necessary—will not be forced to lose that investment because the Department of Transportation was in error. The people of San Antonio should not be punished because of other people's mistakes.

I feel that equity demands that we get the Federal Government out of this project by retaining section 148 in the bill.

Congress is not granting any exception for a federally funded project. And it is not ordering that anything be built. It is simply allowing local people to do what they like with money they raised by their own taxes.

I urge the defeat of this amendment.

Mr. NELSON. Mr. President, the Senate debate and action on S. 502 mark an important transition point in the attempt to achieve orderly growth and a rational redefinition in priorities in the Federal-aid highway program to meet the continuing but changing needs in American transportation.

Three years ago in hearings before the Senate Public Works Subcommittee on Roads on "all aspects of the national highway program and related activities," I testified that—

> (O)ur focus should be, constantly and without flinching, on the *social* need for the best possible transportation for the maximum number of people.

Earlier in 1970, I suggested that as a part of a national environmental agenda for this decade, we must begin—

> to utilize the billions of dollars a year that could be made available on completion of the Interstate Highway System to provide new transportation alternatives, including mass transit, in our polluted, congested, highway-choked urban areas.

In the last Congress, the Senate began the legislative action to revise the Federal-aid highway program to meet changing transportation needs, but was unable to complete action before adjournment. The debate was important, however, in focusing attention and discussion on the problems and the issues which any legislative response must address: the completion of the national Interstate Highway System, and increased emphasis on the continuing requirements of rural and urban transportation systems within the various States.

S. 502, as amended on the floor yesterday, reflects these deliberations and responds to our changing transportation needs in this country. In particular, S. 502, in its present form, would respond to specific transportation issues in the State of Wisconsin.

Completion of the Interstate System in Wisconsin has almost been accomplished. A somewhat unique situation with one particular segment of the Interstate System in Wisconsin remains to be resolved, however. At my request, this situation was addressed by the Senate Public Works Committee in the bill (S. 3939) which they reported on the last Congress and which passed the Senate by a vote of 77 to 0 in September 1972. Because of differences with the other body, Federal-aid highway legislation was not resolved before adjournment and the particular problem in Wisconsin still remained at issue.

In the last hours of the 93d Congress, I entered into a discussion with the distinguished chairman of the Senate Public Works Committee, Senator JENNINGS RANDOLPH, about the specific problem in the State of Wisconsin created by the first qualifying deadline of July 1, 1973, for segments authorized under the last 1,500-mile addition to the interstate program. In that colloquy with Chairman RANDOLPH on the Senate floor on October 18, 1972, I was assured that the problem of a qualifying deadline of July 1, 1973, for interstate finance programing and its negative impact upon any appropriate resolution of the I–57 controversy in Wis-

consin would be adressed by the Public Works Committee in the 93d Congress.

Section 112 of the present bill (S. 502) will satisfactorily answer the immediate question with regard to the ability of the State of Wisconsin to meet the first qualifying deadline on a final segment of I–57. The cooperation and assistance of the chairman of the committee (Mr. RANDOLPH), and the Senator from Texas (Mr. BENTSEN) who is managing the Federal-aid highway bill this year is appreciated. So that the RECORD may be more complete on this matter, I would include at this point in my statement the excerpt from the debate last October 18 which contains the discussion of the I–57 matter with Chairman RANDOLPH:

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

Mr. NELSON. The Senate-passed bill, S. 3939, the Federal Highway Act of 1972, had language which included section 112, which would change the first qualifying deadline for interstate finance programing from July 1, 1973, to July 1, 1974. There is a particular problem in the State of Wisconsin about meeting the qualifying date of July 1, 1973, and section 112 extended the deadline to July 1, 1974, and I assume it may apply to other places in the United States.

Under the conference agreement, that section was dropped. The act is extended for 1 year.

My question is, Would it be the intention of the chairman of the committee to address itself to that particular question of extending that deadline for qualifying to July 1, 1974, as the distinguished chairman of the committee had it in the bill as it passed the Senate?

Mr. RANDOLPH. That is correct. On the 10th of October I received a letter from the Senator from Wisconsin in reference to this matter. As the Senator has indicated, it was in the Senate bill. It has been dropped in conference. I pledge to the Senator from Wisconsin and others who may be interested that early next year this matter will be addressed by the Senate Committee on Public Works. I feel there will be no difficulty in taking care of the Senator's State and other States.

Mr. NELSON. I appreciate that statement because I–57 involves a particular problem in Milwaukee, which I discussed in the letter which I sent to the Senator from West Virginia as chairman. There is no way they can give the proper statutory assurances, under the law of Wisconsin, prior to July 1, 1974.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. Mr. President, I ask unanimous consent that my letter to the chairman of the committee (Mr. RANDOLPH) be printed at this stage in the RECORD.

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

"U.S. SENATE,
*"Washington, D.C., October 10, 1972.*

"Hon. JENNINGS RANDOLPH,
*"Chairman, Public Works Committee, U.S. Senate, Washington, D.C.*

"DEAR MR. CHAIRMAN: When the Senate passed S. 3939, the Federal-Aid Highway Act of 1972 on September 19, 1972, by a vote of 77–0, language was included in Sec. 112 of the bill which would change the first qualifying deadline for Interstate finance programming from the present July 1, 1973 to July 1, 1974 for those projects authorized under the last 1,500 mile addition to the Interstate program. This change in deadline directly applies to a unique situation in the State of Wisconsin and was added in the Public Works Committee at my request.

"Our particular problem in Wisconsin has to do with the Milwaukee end of the I–57 project. At this time no one is in any position to make a firm finding about that segment of the I–57 project south of the Saukville Interchange. There are many pros and cons as to desirability of locating it over the route of the proposed Stadium Freeway north. The major considerations in favor of this are the possibility of security 90% financing for developing a high level highway which will serve the ingress and egress of the Milwaukee area from the northwest, and contribute toward closing the freeway gap on Fond du Lac Avenue (U.S. 41) as well as serving as the southern leg of I–57.

"However, the ability of the State, as well as the City and County of Milwaukee, to make a positive finding and demonstrate clear intent and capability by next July 1, 1973 is impossible. This is due to a July 28, 1972 agreement between the Governor of Wisconsin, the Executive of Milwaukee County and the Mayor of Milwaukee which conditions this project as well as some others on a show of substantial progress in offsetting the housing deficit in Milwaukee resulting from past construction of all kinds.

"To meet this housing requirement and thus proceed to a firm decision on the intent to construct this segment of I–57, the State of Wisconsin has passed legislation authorizing the establishment of the Wisconsin Housing Authority. Because of a possible conflict with the State Constitution, however, this legislation faces a court test before the WHA will be in business. Regardless of the outcome of the court test of the constitutionality of the WHA legislation, this delay will prevent the State of Wisconsin from making any positive finding and demonstrating to the Secretary of the Department of Transportation by July 1, 1973 a clear intent and capability to construct the final segment of I–57.

"The Secretary of the Department of Transportation of the State of Wisconsin has stated that another year is vitally necessary for the State to be able to meet the first deadline required by law. The final sentence of Sec. 112 of the Senate passed version of S. 3939 would accomplish this purpose and extend the first deadline to July 1, 1974. This provision was not included in S. 3939 when the House passed their version of this legislation on October 6, 1972. It is my hope that this explanation of the unique situation in Wisconsin which is directly affected by this provision in the Senate bill will merit the attention of the conferees on the Federal-Aid Highway Act of 1972 and will be retained in the Conference Report on this legislation.

"Sincerely yours,
"GAYLORD NELSON, *U.S. Senator.*"

Mr. NELSON. Mr. President, with the completion of the Interstate System now in sight, we must refocus attention on our other transportation and highway needs, both rural and urban. In the State of Wisconsin, rural and urban transportation and highway needs require continued attention which is both flexible in its approach and nondiscriminatory in its impact.

Presently, Wisconsin has more than 2,000 miles of its 11,000-mile system in use which were built to pre-World War II standards. These roads are essentially worn out and confront the motorist with accident-producing situations such as restricted sight distance, sharp curves, narrow roadways, inadequate structures, elongated no-passing zones and similar hazards. Twenty-three hundred miles of the system are surfaced with mixed bituminous material that has served longer than its design life of 10 years. One thousand miles of bituminous concrete has outlived its design life of 15 years, and 900 miles of portland cement concrete has outlived its design life of 25 years. About 29 percent of the total Wisconsin highway system has therefore been used longer than its normal life expectancy.

We cannot expect this situation to last much longer without some extensive repair and replacement work. Thus, the State Department of Transportation indicates that work which should have been done by 1970 totals 6,107 miles in all 72 counties in Wisconsin. Estimated cost of this work today is upward of $2.66 billion. In addition to the road situation in Wisconsin, 56 bridges will need attention within the next 5 years and 60 additional bridges will require work within 10 years. The State's current estimate of this cost for bridgework is $91 million.

The State Department of Transportation has indicated to me that the present formulas for distribution of Federal aids to the State for primary, secondary, and urban highway systems are satisfactory and acceptable. It is my understanding of the provisions of S. 502 that these formulas are maintained in the present legislation. With the noninterstate funding portion of S. 502 for primary, secondary, and urban categories being increased to $2.2 billion for each of the next 3 fiscal years, and with the bar to impoundment of highway funds authorized by this present legislation which was added by an amendment that I supported yesterday, more noninterstate Federal-aid highway program funds should be available to the State of Wisconsin to meet rural and urban transportation needs of the 1970's.

In order to turn the focus of attention on creating a truly balanced transportation system in this Nation, however, we must also have a greater degree of flexibility to meet the specific and varying needs of each State, urban and rural. Now is the time to allow a wider degree of discretion and alternatives to State and local governments in the allocation of Federal transportation funds to essentially local transportation needs.

Yesterday, I supported two amendments to S. 502 which would give State and local governments both additional funding and additional alternatives to employ in meeting their local needs. The Williams amendment, which passed by a vote of 59 to 36, would authorize $1 billion a year more in Federal grants under the Urban Mass Transportation Act of 1964 for capital improvements of mass transit systems. In addition, this amendment would authorize a 2-year expenditure of $800 million out of general revenues for operating subsidies for mass transit sytems until the infusion of capital funds could take hold.

I also supported the amendment by Senators MUSKIE and BAKER which passed the Senate by a vote of 49 to 44. This amendment would authorize States and cities to use authorizations of the highway trust fund which are earmarked for urban systems for a variety of transportation needs, including buses and fixed

rail systems. Contrary to some understandings of this provision, the discretion to use that portion of the trust funds earmarked for urban systems for mass transit does not affect the division of Federal aid for other portions of the Federal aid highway program. It merely adds fixed rail transit as an option available for the urban systems portion of this program.

• As the State of Wisconsin Department of Transportation has indicated to me, with the protection afforded by distribution formulas to preserve each State's share of the fund—

It is desirable to give the respective states a maximum of flexibility in the use of their shares of the aids for transportation purposes, including highway related mass transit (bus), and even rail facilities.

If our focus is to be on the best possible transportation for the maximum number of people, we cannot limit our flexibility or dictate our transportation financing options. A singular choice is really no option at all. Allowing the steadily available dollars of the highway trust fund to be applied to mass transit in our urban areas, if local government wishes to use their share of funds in such a manner, provides a real alternative. To improve the traveling lot of every man, woman, and child in this country—not just in our urban centers, but in our rural communities as well—we must be able to improve and coordinate all methods of transportation in this country.

With a final remark upon the actions on the Federal-Aid Highway Act of 1973, I would like to express my concern over the provision in the bill (S. 502) which would exempt the so-called North Expressway in San Antonio, Tex., from the requirements of the National Environmental Policy Act. Last year, I joined Senator BUCKLEY, of New York, in opposing this attempt to dodge the Federal requirement for consideration of the environmental impact of this highway proposal. The National Environmental Policy Act established in law the principle that Federal and federally aided projects should be carefully reviewed for their environmental impact before they are undertaken. If we begin now, under whatever guise, to excuse projects from such requirements, Congress will simply be writing the beginning of the end of this vitally important national environmental protection law.

Thus, once again, I express my strong opposition to the San Antonio exemption and urge Congress to require that this project comply with the law. While this particular exemption would appear to have a very limited narrow application, we can be sure others who might wish to avoid environmental studies will be tempted to view it as a possible precedent.

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

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from New York.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 43, nays 50, as follows:

[No. 40 Leg.]

YEAS—43

| | | |
|---|---|---|
| Abourezk | Goldwater | Nunn |
| Baker | Griffin | Packwood |
| Bartlett | Hart | Pastore |
| Bennett | Haskell | Pell |
| Biden | Hathaway | Percy |
| Brock | Hughes | Proxmire |
| Brooke | Inouye | Ribicoff |
| Buckley | Javits | Roth |
| Cannon | Kennedy | Schweiker |
| Case | Mathias | Stevenson |
| Church | McClure | Symington |
| Clark | McGovern | Tunney |
| Cranston | Metcalf | Weicker |
| Dominick | Muskie | |
| Eagleton | Nelson | |

NAYS—50

| | | |
|---|---|---|
| Aiken | Fannin | McGee |
| Allen | Fong | Montoya |
| Beall | Fulbright | Moss |
| Bentsen | Gurney | Pearson |
| Bible | Hansen | Randolph |
| Burdick | Hartke | Saxbe |
| Byrd, Harry F., Jr. | Helms | Scott, Pa. |
| | Hollings | Scott, Va. |
| Byrd, Robert C. | Hruska | Sparkman |
| Chiles | Huddleston | Stafford |
| Cook | Humphrey | Stevens |
| Cotton | Jackson | Taft |
| Curtis | Johnston | Talmadge |
| Dole | Long | Thurmond |
| Domenici | Magnuson | Tower |
| Eastland | Mansfield | Williams |
| Ervin | McClellan | Young |

NOT VOTING—7

| | | |
|---|---|---|
| Bayh | Hatfield | Stennis |
| Bellmon | McIntyre | |
| Gravel | Mondale | |

So Mr. BUCKLEY's amendment was rejected.

Mr. BAYH subsequently said: Mr. President, on March 15, 1973, a vote was taken on an amendment offered by the distinguished Senator from New York (Mr. BUCKLEY) relating to the San Antonio North Expressway provision of the Federal Aid Highway Act of 1973. I was present in the Chamber when that vote was taken, and I voted "aye." However, the CONGRESSIONAL RECORD for March 15 states that I did not vote, and was necessarily absent (S. 4943; vote No. 40 Leg.). I have been informed that the official tally sheet of the Senate also does not reflect my vote. I cannot understand how this error could have been made. However, since my vote would not have made any difference in the outcome, I am not requesting the complicated effort needed to make a change in the tally sheet and in the RECORD. I simply ask unanimous consent that this statement be printed in the permanent RECORD immediately after the result of the vote.

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

Mr. SCOTT of Pennsylvania. Mr. President, I offer, on behalf of myself and Senators RANDOLPH, BAKER, SCHWEIKER, COOK, and BENTSEN, an amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BARTLETT). The amendment will be stated.

The legislative clerk read as follows:

At the end of title I, add the following new section:

"DWIGHT D. EISENHOWER HIGHWAY

"SEC. 159. (a) The following segments of the National System of Interstate and Defense Highways which form a continuous interstate highway link from coast to coast are hereby designated as the 'Dwight D. Eisenhower Highway'—

"(1) Interstate Route 70 between Washington, District of Columbia, and Denver, Colorado;

"(2) Interstate Route 25 between Denver, Colorado, and Cheyenne, Wyoming; and

"(3) Interstate Route 80 between Cheyenne, Wyoming, and San Francisco, California.

"(b) Any law, regulation, map, document, record, or other paper of the United States in which such segments are designated or referred to shall be held to designate or refer to such segments as the 'Dwight D. Eisenhower Highway'."

Mr. SCOTT of Pennsylvania. Mr. President, I yield myself 2 minutes for the purpose of inquiring of the distinguished majority leader——

The PRESIDING OFFICER. There is no time limitation on this amendment.

Mr. SCOTT of Pennsylvania. Then, Mr. President, I yield myself such time as I may need to inquire of the distinguished majority leader as to the schedule for the remainder of the day and thereafter, and append to it the suggestion that future rollcalls today be limited to 10 minutes each. I do not make that as a unanimous-consent request at this time.

Mr. MANSFIELD. The Senator may.

Mr. SCOTT of Pennsylvania. Having discussed it with the distinguished majority leader and the deputy majority leader, I ask unanimous consent that further rollcall votes on this bill, for the remainder of the day, be limited to 10 minutes on each rollcall.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania.

Mr. HUGHES. Mr. President, reserving the right to object, is there a time limitation on the amendments?

Mr. MANSFIELD. One or two.

Mr. HUGHES. I cannot make it to the floor in 10 minutes from my office.

The PRESIDING OFFICER. The Chair would state that time limits on amendments apply only to the Hansen and Cotton amendments which are yet to be offered.

Mr. SCOTT of Pennsylvania. Then I limit my request, Mr. President, to the Hansen and Cotton amendments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. SCOTT of Pennsylvania. Mr. President, will the distinguished majority leader tell us about the schedule for the remainder of the day?

Mr. MANSFIELD. Yes, indeed. Mr. President, if we complete the pending business today, we will go over until 12 noon on Monday next. If we do not, then we will be in session tomorrow.

The calendar is in such a state that practically every bill on it would be passed without objection.

Following the disposal of the pending business, the next order of business for the Senate would be S. 398, to extend and amend the Economic Stabilization Act of 1970.

That is about it.

Mr. SCOTT of Pennsylvania. On that, I understand that efforts will be made to secure certain time limitations?

Mr. MANSFIELD. Those efforts have been successful.

Mr. SCOTT of Pennsylvania. I thank the distinguished majority leader.

Mr. President, I shall take no great amount of time. The pending amendment is for the purpose of designating certain sections of the Interstate Highway System as the Dwight D. Eisenhower Highway.

This amendment is identical to S. 2733, a bill I introduced in the last Congress along with 13 cosponsors.

President Eisenhower was a forceful advocate and initiator of our present Interstate Highway System, which was created during his administration. The adoption of my amendment would be a fitting tribute to the man who made so many contributions to develop the outstanding highway system we now have across the country.

One of the segments of interstate highway which will bear the Eisenhower name crosses five of Pennsylvania's southwest counties—Fulton, Bedford, Somerset, Westmoreland, and Washington—for 150 miles to the Ohio State line.

In addition to Interstate 70 from Washington, D.C., to Denver, Colo., two other segments will be included—Interstate 25 from Denver to Cheyenne, Wyo., and Interstate 80 from Cheyenne to San Francisco, Calif.

At this time I yield to the distinguished Senator from West Virginia (Mr. RANDOLPH).

Mr. RANDOLPH. Mr. President, the amendment offered by the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), by Senator BAKER and by myself, would designate certain interstate mileage in the United States as the Dwight D. Eisenhower Highway.

I think at times it is very important, in the designation of public facilities, to call attention to certain men in public and private life who have been instrumental in moving the country forward. There is a very particular significance in using President Eisenhower's name in connection with this highway designation. We recall that it was during his administration that the Interstate System came into being. He was instrumental in providing the leadership from the executive branch of Government, in bringing to being this program, which has been of great importance to the strengthening of America, the servicing of our people.

For that reason, I join very earnestly in cosponsoring the amendment, and I commend the Senator from Pennsylvania for his leadership in this matter.

Mr. SCOTT of Pennsylvania. Mr. President, I greatly appreciate the remarks of the distinguished senior Senator from West Virginia.

It is my understanding that the managers of the bill have no objection to the amendment. If that is the case, I ask for a vote.

Mr. BENTSEN. Mr. President, the manager of the bill will be very pleased to accept the amendment, and I have asked the distinguished minority leader to have my name added as a cosponsor.

Mr. STAFFORD. Mr. President, I am delighted, on the other side of the aisle, to accept the amendment of the minority leader, of which I now join as a cosponsor.

Mr. SCOTT of Pennsylvania. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BENTSEN. Mr. President, I move to reconsider the vote by which the amendment of the Senator from New York was rejected.

Mr. ROBERT C. BYRD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 28

Mr. HANSEN. Mr. President, I call up amendment No. 28, cosponsored by Senator McGEE and myself.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HANSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill insert a new section as follows:

REPEAL OF CERTAIN VEHICLE WEIGHT AND WIDTH LIMITATIONS ON THE INTERSTATE SYSTEM

SEC. —. Section 127 of title 23 of the United States Code, relating to vehicle weight and width limitations on the Interstate System, is repealed.

PRIVILEGE OF THE FLOOR

Mr. HANSEN. Mr. President, I ask unanimous consent that Gordon Murphy, administrative assistant to Senator FANNIN, may have the privilege of the floor during this debate, together with Nolan McKean of my staff.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

Mr. HANSEN. I yield.

Mr. COTTON. Mr. President, I ask unanimous consent that Warren Kane, my legislative assistant, have the privilege of the floor until my amendment is reached and disposed of.

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

Mr. HANSEN. Mr. President, let me say for the edification of Senators present that I do not propose to take nearly all the time that has been allotted to this amendment. I hope we can come to a vote very quickly. I realize that some Senators have commitments out of town, and I will be willing to oblige in any way I can to get to a vote expeditiously.

Mr. STAFFORD. I cannot speak for the chairman of the subcommittee, but, for myself, I am going to need approximately 12 to 15 minutes.

Mr. HANSEN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HANSEN. Mr. President, the purpose of my amendment is to repeal section 127 of title 23, United States Code, relating to vehicle size and weight limitations on the Interstate Highway System.

Section 127 was originally enacted in 1956, when the Interstate Highway System was initially created by congressional action. Section 127 imposes a weight limitation of 18,000 pounds on a single axle and 32,000 pounds on a tandem axle. In adopting section 127, the Congress relied upon the size and weight recommendations of the American Association of State Highway Officials—AASHO—a recommendation which in 1956 was 10 years old.

Section 127 has not been changed since 1956, although AASHO has increased its weight recommendations. Thus, the standards in effect today on the Interstate Highway System, the finest road system in the Nation, are 17 years old. The initial reasoning for the imposition of these standards was the protection of the Federal investment involved in the construction of the Interstate Highway System. Approximately 80 percent of the Interstate System has been completed and opened to traffic, and the minimum construction standards have not been changed, and will not be changed during construction of the remaining 20 percent of the system.

Congress specifically recognized in 1956 "that maximum weight limitations for vehicles using the highways are fundamentally a problem of State regulation . . ." The purpose of my amendment is to carry out that intent and return exclusive jurisdiction of motor vehicle sizes and weights to the States.

By so doing, tremendous inequities among the States could be eliminated. These inequities came about through the grandfathering in 1956 of States whose size and weight limitations then exceeded the maximum Federal standards of 18,000 pounds for a single axle and 32,000 pounds for a tandem axle.

To illustrate, from the District of Columbia through the Atlantic coast and the Northeast States to the Canadian border, and west through Pennsylvania, there is a triangle of States all having single axle limits of at least 22,000 pounds, and—with the exception of New Jersey and Maine—tandem axle limits of at least 36,000 pounds.

On a national scale, there are 25 States whose interstate limits for single axles are frozen at 18,000 pounds. There are 26 States—including the District of Columbia—who were "grandfathered" and whose single axle limits exceed 18,000

pounds. There are 27 States whose tandem axle limits are frozen at 32,000 pounds. The tandem axle ceiling in 24 States exceeds 32,000 pounds.

The Far Western States were frozen in 1956 at 18,000 pounds for a single axle and 32,000 pounds for a tandem axle, with only two exceptions. This inequity has not gone unrecognized. The Bureau of Public Roads, now the Federal Highway Administration, after weeks of study, recommended in 1964 that the single axle limit be increased to 20,000 pounds and the tandem axle limit to 34,000 pounds. In 1968, the Senate passed legislation to amend section 127 in accordance with the 1964 report. Unfortunately, that legislation was not considered by the House, although it was reported favorably by the House Public Works Committee.

In my opinion, this is an issue whose jurisdiction should be returned to the States in accordance with the intent of Congress as expressed in 1956. I have no fear whatsoever of the States abusing that jurisdiction, because money for highway maintenance is provided exclusively by the States. There is no Federal aid whatsoever for highway maintenance costs. Furthermore, there is no evidence that interstate highway maintenance costs have been excessive or unusual in those States who were grandfathered in 1956 and whose limits exceed 18,000 pounds for a single axle and 32,000 pounds for a tandem axle.

It is significant in my judgment that eight Western States have enacted legislation permitting axle limits for noninterstate highways that exceed the limit for interstate highways.

The States of Idaho, Montana, Nebraska, Nevada, Oklahoma, Oregon, Utah, and Wyoming permit single axle limits of 20,000 pounds on noninterstate highways, but are restricted to 18,000 pounds for vehicles using the Interstate System. Those same eight States permit tandem axle weights on noninterstate highways well in excess of the interstate tandem ceiling of 32,000 pounds.

Mr. President, my amendment, if adopted, would not result in an automatic increase in weight limits anywhere. Subsequent action would be necessary by the State legislatures. And as I stated earlier, the States can be expected to act reasonably and responsibly when they must bear 100 percent of highway maintenance costs.

My purpose in offering this amendment is solely to give an opportunity to the Western States to increase their ceilings to the standards recommended by the Bureau of Public Roads in 1964. Even with this modest increase, the limits in the Western States would be less than the interstate ceiling in most of the Northeastern States.

Mr. President, the most compelling reason for allowing the States to increase axle loads on the Interstate System is the energy shortage.

Only 2 short months ago, communities all over the Midwest and Rocky Mountain area were on the verge of real disaster when heating oil and diesel oil was unobtainable in many areas. In some instances, heating oil could not be transported by truck to where it was needed because there was no diesel fuel available for the trucks.

And right here, Mr. President, I would like to point out to those who say get the trucks off the highways that in most of the western States including Wyoming, more than half the communities have no rail service at all and are served only by trucks. In Arizona 70 percent of the communities have no rail connections, in Oregon, 68 percent; in Utah, 65 percent; in California, 66 percent; in Nevada, 56 percent; in New Mexico, 75 percent; in Washington and Wyoming, 55 percent.

These communities are entirely dependent on truck deliveries for all commodities—food, medicine, fuel, building materials, farm machinery and supplies, mining machinery—everything.

The point is, Mr. President, that some modest increases in truck payloads in these Western States—most of the Eastern States already carry heavier loads on the Interstate System—by increasing the payload of an already existing truck by 50 percent, fuel consumption is increased by only 14 percent. And I base that assertion on actual tests made by the Western Highway Institute. A report of those tests is available from the institute which is a nonprofit California corporation which functions as a research, engineering, and coordination agency in support of the organized motor carrier industry in the 13 Western States.

Such increased productivity could certainly result in fuel savings and transportation economies and with dire predictions of gasoline and diesel fuel shortages this summer, such savings could be substantial and possibly prevent threatened rationing.

Mr. President, all we are asking is the opportunity for States such as Wyoming and most of the other Western States to equalize their weight limits on the Interstate System with other States that allowed the higher limits when the Federal Highway Act of 1956 was enacted.

We believe it only fair and I cannot see how those who represent States that already have the higher limits can object to equal treatment for the Western States. Actually, the Interstate System in the Western States is not nearly as congested as in the East.

The present situation is incongruous in that the heavier loads are allowed on the most congested highways while the wide open highways in the Western States are limited by a long outdated law.

In the sense of fairness, I ask that this inequity be corrected by this simple amendment.

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

Mr. HANSEN. I yield to the distinguished Senator from New York.

Mr. BUCKLEY. Is it my understanding that under existing law the standards of some States have been grandfathered in at a higher weight than is true throughout the country?

Mr. HANSEN. That is the situation.

Mr. BUCKLEY. The effect, as I understand it, of the Senator's amendment would be to phase out any Federal standard. Is that correct?

Mr. HANSEN. The effect of the amendment would be to phase out the old limiting provisions which resulted from the adoption of the law in 1956. It does not mean that the present weight limitations would be changed except on the explicit actions of the individual States. There would not be automatically an increase in weight and size limitations.

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

Mr. HANSEN. I yield.

Mr. JACKSON. I wish to ask the same question as the Senator from New York, which is a matter that concerns me greatly. I understand that if the amendment were agreed to, no longer would there be any further standards as far as weight limitations. The States would be free to set any level.

Mr. HANSEN. If the amendment is agreed to it would be up to each State to initiate action in its legislature, if it desires, to change the present limitations. That does not mean the weights would automatically go up nor would the widths change. They can change if each State legislature decides to increase those size and weight limits.

Mr. JACKSON. But the inevitable result, I am afraid, of that kind of situation would be that the State that raised it the highest would set the standard, I am afraid, on the Interstate System; that is, set the weight and size limit; set the standards that other States would seek to achieve or attain. Is that not the danger here?

Mr. HANSEN. That is a conclusion that a person might assume to be the fact but it will not be, in my judgment, because the fact is that full maintenance of the Interstate Highway System is involved, and that is what we are talking about. Wyoming, for instance, has a higher weight limit on its primary and secondary system than it can establish on the Interstate System. The reason I do not think the situation the Senator from Washington alludes to would come into being is that responsibility of maintaining these highways is still 100 percent a State responsibility. I cannot envision that any State would be so irresponsible as to assume it would abandon all caution and throw good judgment to the winds and say that while we legally can go higher than we should go, that is what we will do, rather than working at keeping the Interstate System in repair and making such changes as would conform to the standards in the system now.

Mr. JACKSON. If there need to be adjustments made, and I am not going to argue that for a moment, in size and weight, would it not be wiser to do it on a uniform basis, with the Federal Government setting standards so that you would have uniformity throughout the country?

Mr. BENTSEN. Would the Senator from Washington use his microphone please? We would like to hear his contribution.

Mr. JACKSON. The Federal Government puts up 90 percent of the cost of the Interstate System. Standards have

to be laid down as to durability of the roads. They have to meet those Federal standards.

Therefore, it seems to me to be logical for the Federal Government to insist on uniformity so that uniformity would be nationwide on the Interstate System in connection with usage by the trucking industry on those roads. That is my only point.

There is an inequity here. Some States are grandfathered so that they are free to make an adjustment that is not on a par with the Western States. I wonder if the solution does not lie in adjustment so there will be Federal uniformity.

I want to express my concern about lifting the limitation entirely. There would be no limit which the States would be required to follow regarding size and weight. That is my observation.

Mr. HANSEN. That is a valid observation. By way of response I would say that there are many approaches that might be used. We are simply trying to recognize what the situation is.

I have in my hand a map that I suspect may not be very discernible to most Members present at this moment. However, what it does is to depict by a color scheme the State single-axle load limits. It will be noted that there is designated in blue the Northeastern part of the United States and some of the Southeastern part, along with New Mexico that have a single-axle load limit of 20,000 pounds on highways. Those with red have between 18,100 pounds to 19,999 pounds and they include States generally in the East and immediately west and southwest from Wisconsin, including Iowa and Nebraska, if I read this map correctly. All the rest are limited for axle weight to 18,000 pounds.

No one has a greater interest in seeing that these highways stand up. I am sure the distinguished Senator from Washington knows that the Federal highway system is about 80 percent complete, and maybe a little more. It has been largely built to one Federal standard.

I think it will adequately carry weights much heavier than we have in the West. All we are asking is that the States may have control over policies and actions in those areas where it is not inappropriate.

Mr. JACKSON. I appreciate what the Senator has in mind. I fully respect his point of view. I simply raise this question as to the wisdom of taking the lid off, so as to speak, in an effort to correct that inequity. I think it is very clear that there is an inequity here. But should we take off the entire lid so that there is no limitation on size or weight insofar as States are concerned when we are talking about a Federal Interstate System? That is my only observation at this point. That is what troubles me.

Mr. HANSEN. I appreciate what the Senator says. If I could, I wish to make one further comment in response. The States are faced with the ever present responsibility and obligation of paying the full bill on the repair and maintenance of the Interstate System and they are going to be very concerned about whatever changes may be brought about by State action, but they will fully meet that responsibility, in my opinion.

I yield to the Senator from New York.

Mr. BUCKLEY. I just want to express the same concern expressed by the Senator from Washington (Mr. JACKSON). I could wholeheartedly endorse the amendment offered by the Senator from Wyoming if it would raise the national level to the 20,000 pounds that now prevails in certain parts of the country, but the possible safety complications and other complications which might be involved—I do not know—in totally lifting the limitation I think involves considerations which are important enough to make me feel that this is a matter that ought to be subjected to the normal committee procedure so that we might have the input of the relevant sectors of American society.

Mr. HANSEN. I could say that the Bureau of Public Roads, now the Federal Highway Administration, after years of study, recommended in 1964, that the single-axle limit be increased to 20,000 pounds and the tandem axle limit be increased to 34,000 pounds. In 1968, the Senate passed legislation to amend section 127 in accordance with the 1964 report. Unfortunately, that legislation was not considered by the House, although it was reported favorably by the House Public Works Committee.

I am not arguing the point; I simply state that as a matter of fact.

Mr. BENTSEN. Mr. President, I yield 10 minutes to the Senator from Vermont (Mr. STAFFORD).

The PRESIDING OFFICER. The Senator from Vermont is recognized for 10 minutes.

Mr. STAFFORD. Mr. President, I thank the Senator from Texas for yielding.

I take the floor to express my personal opposition to the amendment offered by the distinguished Senator from Wyoming—and I dislike to find myself in opposition to him because of my great admiration and liking for the Senator from Wyoming.

We have already heard of the long and controversial history of legislation dealing with the subject of larger buses and trucks and of the inability of the Congress to reach any agreement on the matter after prolonged study and debate. I submit that it would be inappropriate for the Senate to attempt to legislate this issue on the floor without the benefit of committee deliberations. Again, I remind you these are my personal views and not the views of the committee, since, so far as I know, the committee has taken no formal position on this matter.

In an effort to gain more information on this subject, I submitted a series of questions on the issue to administration officials during their appearance before the Transportation Subcommittee on the Highway Safety Act of 1973. Those hearings were held this week, after I learned of the prospect of the amendment of the Senator of Wyoming.

In an effort to gain more information on this matter, I submitted a list of questions to the National Transportation Board.

In response to some of my questions regarding the safety hazards posed by big trucks and buses on our highways, I have received the formal position statement of the National Transportation Board. The statement, dated March 14, 1973, was sent to me by former Maine Governor John H. Reed, who is Chairman of the Board. The National Transportation Board says it is opposed to the amendment before us because of the serious highway safety questions still unanswered. I would like to read the report to the Senate, so that my colleagues may be aware of the hazards involved, particularly to occupants of passenger cars. The letter of the chairman (Mr. REED) says in part:

> Attached is a copy of the National Transportation Safety Board's position in respect to Senator Hansen's amendment to S. 502, which would repeal certain vehicle weight and width limitations on the Interstate System.

And I might say parenthetically that if a State took no action, it would mean there would be no limits on either buses or trucks on their size, weight, or length in those States.

The effect of the amendment to S. 502 is to remove vehicle weight and width limitations on the Interstate System from Federal authority, and to permit whatever size and weight limits may result from actions of the individual States. Some of the States have already permitted increases in size and weight beyond the Federal limit, and the proposed amendment permits indefinite increases.

In 1969, the Safety Board provided comments to the House Appropriations Subcommittee on Transportation concerning H.R. 11870, a bill which would have provided for specified increases in width, sizes, and weights of trucks operating on the Federal highway system. At that time, the Board pointed out that the then proposed increases in sizes and weights of trucks would produce new stresses upon safety. The following needs were specified:

First. Better braking and hill climbing performance;

Second. Standards for improved coupling devices and control of jackknifing tendencies of tractor-trailer combinations;

Third. Standards for underride guards to prevent smaller vehicles from being demolished in collisions with larger trucks;

Fourth. Standards to control splash and spray generation on wet roads;

Fifth. Standards to control overturn stability; and

Sixth. Improved performance standards for truck tires.

The Board said in 1969 that all of the above items were desirable and should be developed and promulgated before consideration of the legislation which would have specified increased sizes and weights for trucks on the Interstate Highway system.

Since 1969, some efforts at these improvements have been begun, while there has been little progress in others. In addition, some other problems of trucking

safety have come to the fore as a result of the accident investigation and studies.

Board accident reports and studies have pointed out the problem of incompatibility of braking performance between trucks and passenger cars where passenger cars were struck from the rear by trucks. Stopping distances for large trucks may be 50 percent greater than stopping distances for lighter vehicles. The best efforts of truck drivers cannot prevent these collisions, and passenger cars were overriden by trucks and crushed. The Board has recently recommended that the National Highway Traffic Safety Administration consider an experimental safety vehicle project aimed specifically at truck brakes for the purpose of raising their performance to the general level of passenger cars. The prevention of these accidents is a matter of fairness to the passenger car drivers, since available records indicate that when interstate trucks and passenger cars collide there will be approximately 40 fatalities among passenger car occupants for each fatality among truck occupants. Trucks are also less able to stop short of fixed objects or pedestrians.

The National Highway Traffic Safety Administration has recently initiated a rulemaking which would somewhat improve truck stopping distances, essentially by requiring that currently available equipment of good characteristics be employed. However, it does not approach compatibility. The effect of removing weight and width limitations would certainly be to increase weights and thus place further stresses on the braking systems. Stresses upon brakes are already being increased because of the higher truck speeds being permitted on the Interstate System.

The Board knows of no standards development effort to provide definable requirements for acceleration or hill climbing performance of trucks or for improved coupling devices or for the use of any of the more positive methods of controlling the jackknifing of truck and trailer combinations.

Underride guards for trucks, found desirable in Board reports, could provide compatible bumper heights with passenger cars, thus helping to prevent some of the worst effects of the size and weight disparity and the stopping distance override problem. The original proposal of NHTSA was withdrawn on the ground that the cost of the equipment was greater than the value of the lives saved. The Board's recommendation that the underride guards were needed in fairness to passenger car occupants who were suffering the vast majority of fatalities did not prevail. The disadvantage to passenger car occupants in these crashes will probably be increased freeing size and weight limits, and comprehensive underride guard standards are still needed with today's trucks.

The Safety Board has also recommended standards to control the overturn stability of trucks, following major accidents involving overturn of high center-of-gravity trucks. Studies of handling and stability of trucks are underway under NHTSA sponsorship, but no standards have been proposed. Increased weights of vehicles could produce higher center of gravity which will be hard to reverse once employed in service. The Board knows of no standards in preparation to control splash and spray generation of heavy trucks, although NHTSA is sponsoring research. Standards for truck tires are being prepared, and their effectiveness can be judged when they are issued.

The Board has also taken note of the overall statistical results from interstate trucking operations as derived from records of the Bureau of Motor Carrier Safety of the Federal Highway Administration. The fatality rate per 100 million vehicle miles has been falling over a 20-year period, as has the general highway fatality rate. However, the number of fatalities incurred for each 100 million miles of interstate truck operation is still about 2.4 times higher than the corresponding rate for all highway traffic; approximately 11.1 as compared to 4.5. In interstate trucking in 1970, only 16.5 percent of total fatalities were carrier drivers. Most of the rest were other highway users or bystanders.

Since the Board reviewed the question of truck widths and weights in 1979, there have been some improvements in truck safety standards, and others are in the research stage. However, there are still substantial remaining problems of unfairness to other highway users due to design or operating weaknesses of trucks correctible by standards.

The major tendency of increased sides and weights is to increase many of the stresses on safety. This was true of the 1969 proposal which specified the degree of size and weight increases, and the problem seems even more important in this amendment which provides no limit. The Safety Board, in 1969, opposed increases in sizes and weights until the standards had first shown that existing problems associated with sizes and weights could be alleviated. The Board must now oppose amendment No. 28 to S. 520 for the same reason.

I have also received a letter from William J. Hill, national chairman of the Fraternal Association of Steel Haulers. Mr. Hill contends that a majority of truck drivers he has talked to are opposed to the amendment before us. I ask unanimous consent that the text of the letter be printed in the RECORD.

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

FRATERNAL ASSOCIATION
OF STEEL HAULERS,
*Pittsburgh, Pa., March 13, 1973.*

Hon. Senator STAFFORD,
*U.S. Senate, Washington, D.C.*

DEAR SENATOR STAFFORD: It has been brought to my attention that there will be a debate regarding an amendment to the Federal Highway's Bill, to do away with Federal limitations on the size of trucks to be introduced to the Senate by Senators Hanson and McGee of Wyoming on Thursday, March 15, 1973.

Please be advised that as the National Chairman of F.A.S.H., I travel throughout the country, and speak to many truck drivers; and most always have discussions with them regarding the trucks they drive. Based on those discussions, I find that the overwhelming majority of the truck drivers I talk to are opposed to increasing the size of their trucks.

In behalf of the drivers I represent, and talk to, and also based on my personal experience as an ex-truck driver; I urge you to vote against the amendment that Senators McGee and Hansen introduce.

Sincerely,

WILLIAM J. HILL,
*National Chairman.*

Mr. STAFFORD. Mr. President, I also ask unanimous consent to have printed in the RECORD a news release of the American Automobile Association in which the AAA announces its opposition to the pending amendment.

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

MOTORISTS' SAFETY THREATENED ONCE AGAIN BY MANEUVERINGS OF TRUCKING INDUSTRY, SAYS AAA

WASHINGTON, D.C., March 13.—The trucking industry is driving full-throttle in a behind-the-scenes attempt to open the way for monster trucks on all the nation's highways threatening the safety of every motorist, the American Automobile Association charged today.

AAA Managing Director of Public and Government Relations John de Lorenzi said that an amendment to the 1973 Highway Act which Senators Clifford Hansen (R-WYO.) and Gale McGee (D-WYO.) will probably introduce on the Senate floor repealing federal truck size and weight limitations "is an affront to the public's right to have controversial issues affecting their health and safety fully aired before Congress."

The AAA spokesman said that in the previous three sessions of Congress efforts to liberalize truck size and weight limitations have failed "because of the glare of news media scrutiny and the resulting public outrage brought to bear on this dangerous proposal."

"Now the truckers are trying to tack their monster truck proposal onto needed highway legislation—without benefit of public hearing—in the hopes that this legislative sleight-of-hand will escape public attention," he continued.

The AAA official said that the trucking industry has been waging "guerrilla warfare" against size and weight limitations on both the federal and state levels. "Federal standards are the last barrier preventing the powerful trucking lobbies from having their way," de Lorenzi said. "If the federal restrictions are lifted completely, what hope does the motorist have that state legislators will be able to resist the intense pressure for relaxations of state standards which the truckers can bring to bear?"

The AAA spokesman said that the pending federal highway legislation already contains another potential bonaza for truckers in the form of a provision which would allow the construction of exclusive or preferential truck routes or lanes.

"These routes, constructed exclusively for the use of the trucking industry, would be paid for by all motorists," de Lorenzi said. "If the truckers want their private roads, the truckers should pay for them themselves, not ask the American public to finance their special privileges."

de Lorenzi said that AAA has been battling efforts to liberalize federal truck size and weight restrictions since 1968. He said that the 15-million-member organization would continue to oppose any changes in the current law "because there is not one iota of evidence to convince us that allowing longer, wider, and heavier truck trains on the public

highways will be anything less than a menace to the motoring public."

"With the demonstrated trend to smaller, less powerful cars on the road," de Lorenzi said, "federal and state officials should be concerning themselves with making all highway vehicles more compatible, not less."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BENTSEN. I yield an additional 5 minutes to the Senator from Vermont.

Mr. STAFFORD. I thank the Senator.

Mr. President, the point, I think is clear. There are too many unanswered questions of safety—of survival on our highways—to act on this sweeping proposal at this time on the floor of the Senate. Our highway death toll is a national disgrace as it is. We should not take any action here today that may hinder our efforts to reduce that highway death toll.

I urge the Senate to reject the pending amendment.

Mr. HANSEN. I yield myself such time as I may need.

Mr. President, the question of safety is not germane to the amendment. I would point out that the Interstate Commerce Commission has complete jurisdiction over trucks on the Interstate System. That includes brakes, lights, driver hours, and all other safety factors.

Let me also point out that the Bureau of Public Roads quite well agrees with the distinguished Senator from Vermont (Mr. STAFFORD) in his concern for safety. The Bureau agreed back in 1968 that a high narrow truck is far more likely to overturn. They recommended that the overall widths be increased from 96 to 102 inches, in order that the loads could be nearer to the ground, so as to reduce the likelihood of a truck overturning.

I would point out also that despite the fact that Federal highway standards now, where applicable, impose a single axle weight limitation of 18,000 pounds, the State of Vermont has a single axle limitation of 22,400; that where a tandem axle weight limit according to Federal standards was 32,000 pounds, the State of Vermont, where the distinguished Senator who just spoke against my amendment hails from, and which he very ably represents in this body, has a weight limit per tandem axle trucks of 36,000 pounds. So it seems somewhat inappropriate to me that the question of safety should be raised by my good friend from Vermont, because I think that the action taken by the Bureau of Public Roads in urging that the width be increased and the action taken by the Senator from Vermont pretty well speak for themselves.

Mr. STAFFORD. Will the Senator yield me 1 additional minute?

Mr. BENTSEN. Mr. President, I yield the Senator 1 additional minute.

Mr. STAFFORD. The Senator from Wyoming, is quite correct. The axle limits of Vermont are as he described. They are larger in a number of States than are permitted on the Interstate; that is true.

I think there is an inequity in some of the States, including that of the Senator from Wyoming, that we must find some way to correct; but my point is, Mr. President, that I do not believe this is the way, as the Senator from Washington suggested, to do it.

It comes right down to this: That the operators of trucking concerns, as long as we have some reasonable limits on the Interstate System, are not generally going to buy trucking equipment which is larger than they can operate on the Interstate System. So, in Vermont and many States like it, while axle weights in the State might be permitted which are larger than on the Interstate, the truck operators, in fact, buy equipment which complies with the Interstate requirements, rather than the State law. The only really effective control over the size—the weight, the width, and height limits—of motor vehicles today is the Interstate System. At this point, I hope they can be retained.

Mr. HANSEN. Mr. President, my good friend from Vermont (Mr. STAFFORD) is not only right; he is fair, too.

I must say that truck equipment operators or owners will not buy bigger equipment, so what we are talking about are the two options before us.

On the one hand, if we want to go to 102 inches overall width, we can do that, and we can haul fiberboard or pasteboard or whatever—we are all concerned with the cost of living—and we can lay two 4-foot-wide sections down, if we want to deny ourselves that reasonable option. We can continue as we now do and it will take far greater numbers of trucks on the American highways today to move the same amount of material. I think that in itself endorses this amendment.

I think, further, the fact that we are faced with a fuel shortage indicates that we could do a far better job in saving money for everyone by reducing pollution, if we were to increase or to give this option back to the States, which must be very compelling for most of us.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. I yield back my time.

The PRESIDING OFFICER. The Senator from Wyoming yields back his time.

The Senator from Texas is recognized.

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

The PRESIDING OFFICER. On whose time?

Mr. BENTSEN. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I rise to oppose this effort to sidestep normal Senate procedures and to wipe out any Federal standards on the weight and size of trucks on the Nation's highways.

And I say on the Nation's highways because while this will apparently only affect the interstate route; in fact, it will affect primary, secondary, and other roads as well because these trucks cannot travel on the interstate alone.

And there is no limit at all on how high these ceilings can go under this amendment. At the start we may find all States matching the highest existing State limits. But once that happens, it will not stop. The truckers will get one State to boost its limits and then they will go State by State and put pressure on them to raise their limits. It will be one big merry-go-round and safety will be the loser.

But what is most disturbing is that while some increases might prove desirable for Western States under carefully prescribed circumstances, this amendment denies the Senate and the Congress the opportunity to judge the safety impact of this action—let alone the financial impact which could cost States and taxpayers billions of dollars to raise their road standards so they handle heavier trucks.

Where are the hearings? And where are the recommendations of the Bureau of Motor Carrier Safety of the Department of Transportation?

Every time in the past, when this has been attempted, we at least have had the benefit of hearings. I believe this measure should be sent back to committee for hearings and full consideration.

And I think part of the evidence of that is looking back at the action taken in 1968.

The committee did not wipe out all ceilings. It set specific limits and put in specific requirements after lengthy hearings.

Because after due consideration, everyone recognized the dangers involved in wiping out these Federal standards. We heard from the safety experts and we found that they recommended against changing these weight and size requirements—not forever, but until the roads and the trucks themselves were adequate.

For the National Transportation Safety Board found that substantial dangers existed in the trucks that are on the road today, dangers that would be accentuated by heavier and larger trucks.

They cited the absolute necessary to have better braking systems to handle the increased weight of trucks.

They cited the absolute necessity to have better acceleration to handle the increased weight for climbing hills.

They cited the absolute necessity for better coupling devices between truck and trailer.

They cited the absolute necessity for more improvement, particularly on heavier trucks, to handle the problem of jack-knifing.

They cited the absolute necessity to do something about the tendency of trucks to overturn and the danger from heavier and longer trucks through their impact on visibility and their increase in the time it takes to pass.

And they concluded by opposing heavier and wider trucks, opposing them until vehicle standards were enacted to handle the safety problems they had found from their study of truck accidents.

A year ago, they opposed wider buses for similar reasons. And they have indi-

cated in a letter they still oppose this action.

But now we are being asked to erase from the books any Federal limits on these weights and sizes in the face of opposition from the National Transportation Safety Board and without the benefit of advice from the Bureau of Motor Carrier Safety of the Department of Transportation and without the testimony of outside groups who have expertise in this matter.

Besides these questions of safety, there are other questions as well. Senator COOPER, the distinguished former ranking member of the Senate Public Works Committee, raised these questions in 1968 when this matter came up.

And I would urge the Senate to consider them before acting on this amendment.

First, there is the question of cost. What will be the cost to the Interstate System itself from increasing the weight and size of trucks that travel across it. What will be the cost to the primary and secondary systems?

For in 1968 the Bureau of Public Roads estimated that the costs of raising limits to handle the heavier trucks on the interstate, primary, and secondary roads would be $3.7 billion. That cost would be over $4.5 billion in 1973.

And that cost would go higher as the unrestricted weights went higher.

The Bureau of Public Roads found that the impact on the roadways of increasing a 18,000-pound single axle truck to a 20,000 single axle produces a 50-percent greater impact on the road. And a 22,000-pound axle has 118 percent more impact than the 18,000-pound axle, more than double the impact.

That added stress is going to cost money in terms of new roadway construction and in terms of maintenance of existing highways.

In 1968, the Association of State Highway Officials estimated that the effect of raising these limits would be to reduce the remaining road life of State highways by 35 to 40 percent.

And they estimated that in addition to the increased costs on our non-Federal aid highways, there are increased dangers that their current construction will not be able to handle heavier trucks which would be traveling on their roads as well as on the Interstate System.

What will be the added costs to the States therefore, to provide heavier roadway bases, surface and shoulder areas? We do not have any estimates on this cost yet we will be imposing these burdens on States by lifting these weight and size limits just as surely as if we had voted them into effect ourselves.

And so I would urge for safety reasons, and for reasons of economics, as well as for reasons of traditional Senate procedures, that we reject this amendment.

Mr. McGEE. Mr. President, I support the amendment offered by my colleague from Wyoming and have joined as a sponsor. The proposal, if adopted, would simply permit the legislatures of my State and of seven other Western States to consider increasing weight limits on their interstate highways to the limits already in effect on their other State roads. If interstate axle ceilings were lifted in the Western States to the limits recommended in 1964 by the Federal Bureau of Public Roads, the maximum would still be less than that allowed in the Northeastern States.

Yet the Western States are far more dependent than the Eastern upon trucks for the transportation and delivery of essential goods and services. A casual glance at any railroad map will demonstrate my point. The East is heavily crisscrossed with railroads, but rail service in the West is relatively sparse.

Statistics obtained from the Rand McNally Commercial Atlas and Marketing Guide buttress my point. In my State of Wyoming, 56 percent of the communities have no rail service. In New Mexico, 75 percent of the communities have no rail service, and nearly 71 percent of the communities in Arizona lack rail service.

Mr. President, in the interest of brevity I shall not recite further statistics, but I ask unanimous consent that a summary of rail service to communities in 11 Western States be inserted in the RECORD at this point.

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

WESTERN COMMUNITIES WITH AND WITHOUT RAIL SERVICE

| State | Communities with rail service | Communities without rail service | Total communities | Percent of communities without rail service |
|---|---|---|---|---|
| Arizona | 119 | 289 | 408 | 70.8 |
| California | 710 | 1,393 | 2,103 | 66.2 |
| Colorado | 305 | 405 | 710 | 57.0 |
| Idaho | 240 | 176 | 416 | 42.3 |
| Montana | 363 | 193 | 556 | 34.7 |
| Nevada | 74 | 93 | 167 | 55.7 |
| New Mexico | 134 | 408 | 542 | 75.3 |
| Oregon | 227 | 476 | 703 | 67.7 |
| Utah | 136 | 257 | 393 | 65.4 |
| Washington | 467 | 556 | 1,023 | 54.3 |
| Wyoming | 115 | 149 | 264 | 56.4 |
| Total | 2,890 | 4,395 | 7,285 | 60.3 |

Source: Rand McNally Commercial Atlas and Marketing Guide.

Mr. McGEE. Mr. President, the summary shows that in the aggregate, 60 percent of the communities of these 11 States have no rail service. Motor carrier service in this area of the Nation is of critical importance, yet we are being penalized by the existence of a federally imposed freeze on our Interstate Highway System. In an effort to improve transportation efficiency and economy, the legislatures of eight of those States have enacted laws permitting greater weights on regular State roads than on the interstate highway system. As a result, we have the anomalous situation in which greater capacities are allowed on highways having lesser design standards. This makes no sense.

We are asking only for the privilege of returning to the States the right of self-determination on the matter of interstate highway sizes and weights. The States had that authority from the time of the first post roads to the date of enactment of the Federal-Aid Highway Act of 1956. Even with the passage of that statute, and the creation of the Interstate Highway System, Congress recognized that maximum weight limitations for vehicles using the highways are fundamentally a problem of State regulation.

Mr. President, I have received a considerable amount of mail from my State in support of this amendment. As a typical example of this correspondence, I ask unanimous consent that the following two letters be included as part of my remarks. The first communication is from Mr. H. T. "Ted" Neuman, president of the Neuman Transit Co., Inc., of Rawlins, Wyo., who sets forth quite clearly a typical example of the situation as it exists today in many of our States and illustrates the additional burdens and costs which are placed upon the flow of commerce. The second letter is from Capt. J. D. Maxted, eastern zone commander of the Wyoming State Highway Patrol. It is an excellent summary of the many problems that have been created by the "grandfather clause" and the antiquated freeze that was placed upon the size and weight of trucks by the 1956 act. The texts of the letters are as follows:

Thanks for your support in introducing Senate Bill 839. This bill is very important to myself and the survival of Neuman Transit Company, Inc. At the present time with five axle units we are hauling a gross pay load of 79,900 lbs. on the primary and secondary highways of Wyoming. With seven axle units, a gross weight of 101,000 lbs., and we are running three of this type unit intrastate in Wyoming. There is no need to mention the comparison of our Wyoming primary and secondary highways against the intrastate system in Wyoming.

When we travel on the interstate, we are limited to a gross weight of 73,950 lbs. For example, we are now involved in transporting asphalt from Pasco, Inc., Sinclair, Wyoming, to Mack, Colorado (west of Grand Junction). There is $200,000 in freight revenue in this job, and it is, as far as I know, the largest asphalt job ever let in the State of Colorado or Wyoming. Because we travel from Sinclair to Creston Junction (26 miles) and turn south off the interstate we are limited to a gross pay load of 73,950 lbs., a difference of 6,000 lbs. per load. On the Mack, Colorado job alone there will be a difference of $16,000 in freight for the same number of loads hauled. This is the difference to our company between profit and loss on this particular job. We have no problem in Colorado as their gross pay load is over 79,900 lbs. Colorado's gross weights were higher at the time of the Federal freeze. In Utah where we also do considerable business you can buy a 90-day overweight permit for $12.50, which will allow you a gross pay load of 83,895 lbs. on the interstate system. Due to increased costs involving labor increases, and increased costs of materials, equipment, supplies, taxes and other expenses, it is imperative to our company that the Federal freeze on size and weight limits be removed. Sincerely yours, Newman Transit Co., Inc., H. T. (Ted) Neuman, President.

I would respectfully request your support in expressing my feelings toward the passing of your bill, S-839, which would repeal the size and weight limits on the Interstate Highways.

Having been in the enforcement end of this and other related laws for the past 26 years, I feel that I am closely acquainted with the problems that exist due to this federal freeze.

This freeze has caused many problems,

frustrations, misconceptions, and economical problems with people from many walks of life; including Legislators, Attorney Generals, Highway Department Superintendents, and Engineers, Patrol Director and staff, truckers in all categories, and the many Wyoming State Highway Patrolmen trying to enforce up to three various regulating weight tables and measurements; plus the many opinions from all involved.

I for one appreciate both your and Senator Hansen's lead in the nation in trying to bring this federal control back to the states and let the states set their own limits in these regards; and if this can be done all other states should say thanks to Wyoming's two fine Senators. Respectfully, Captain J. D. Maxted, Eastern Zone Commander, Wyoming State Highway Patrol, Casper, Wyoming.

The pending amendment would make that recognition a practical reality. Mr. President, the amendment would also carry out the President's policy to return to the States jurisdiction over a wide range of matters that for years have been of limited Federal concern. I urge its adoption.

Mr. STEVENSON. Mr. President, I am concerned that those who offer this amendment argue for its passage on the grounds that the Congress in 1956 created a crazy quilt pattern unfair to some States. I do not hear expressed a concern for the merits of the proposal—what the proper weight and size limits should be, or what the effects of eliminating the current Federal standards would be on highway safety. Those most concerned with highway safety, such as the American Automobile Association and organizations of truck and bus drivers, oppose this amendment, for they legitimately fear what would happen if we did allow wider and higher limits on our Interstate System.

There are grave questions about the safety implications of allowing higher standards. We are all aware of the "blast effect" of a small vehicle passing a large truck at a fast speed. This effect works on a logarithmic basis, and even a rather slight expansion of the weight and size of a truck could lead to a much higher "blast effect."

If a 102-inch width limitation were established instead of the present limitation, there would be only a 1-foot leeway from the edge of a truck or bus traveling the center of an interstate lane to the end of the lane. Traffic accidents are often averted by a matter of inches, and with the high speeds on the interstate, I am gravely concerned about the increased chances for accidents. Imagine one of these larger trucks or buses passing another with inches to spare. I would prefer not to imagine the possible accidents, especially of buses with many passengers or trucks with highly volatile materials aboard.

I would be loathe to vote for this amendment even if we had all the facts before us as to its possible ramifications. But we do not have the committee's considered report language or evidence on this matter, and as I understand it, there has never been a detailed factual study of what the effects of different limits might be. Such a study is going on at the present time in the Department of Transportation. Surely we can wait at least until we have the benefit of the information which such a study can provide.

Moreover, it is highly doubtful that the people of this country want such a change. During the 92d Congress I received over 530 letters from my constituents on the subject of altering the present limitations on the width of buses. Only eight of these letters favored wider buses.

The evidence is unclear on the merits of allowing broader standards, and the people in general, and in particular those people who are most directly concerned—auto, truck, and bus drivers—oppose wider and higher standards.

For these reasons I must oppose this amendment and urge that it be defeated.

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

Mr. HANSEN. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BARTLETT). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Wyoming (Mr. HANSEN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. Mr. President, I announce that the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. MONDALE), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. Mr. President, I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Kentucky (Mr. COOK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Ohio (Mr. SAXBE) would each vote "yea."

The result was announced—yeas 23, nays 67, as follows:

[No. 41 Leg.]

YEAS—23

| | | |
|---|---|---|
| Aiken | Goldwater | McGee |
| Bennett | Hansen | Moss |
| Bible | Helms | Randolph |
| Cotton | Hollings | Scott, Pa. |
| Curtis | Hruska | Stevens |
| Dominick | Inouye | Tower |
| Fannin | Magnuson | Young |
| Fong | McClure | |

NAYS—67

| | | |
|---|---|---|
| Abourezk | Case | Hathaway |
| Allen | Chiles | Hughes |
| Baker | Church | Humphrey |
| Bartlett | Clark | Jackson |
| Bayh | Cranston | Javits |
| Beall | Dole | Johnston |
| Bentsen | Domenici | Kennedy |
| Biden | Eagleton | Long |
| Brock | Eastland | Mansfield |
| Brooke | Ervin | Mathias |
| Buckley | Fulbright | McClellan |
| Burdick | Griffin | McGovern |
| Byrd, Harry F., Jr. | Gurney | Metcalf |
| | Hart | Montoya |
| Byrd, Robert C. | Hartke | Nelson |
| Cannon | Haskell | Nunn |
| Packwood | Roth | Taft |
| Pastore | Schweiker | Talmadge |
| Pearson | Scott, Va. | Thurmond |
| Pell | Sparkman | Tunney |
| Percy | Stafford | Weicker |
| Proxmire | Stevenson | Williams |
| Ribicoff | Symington | |

NOT VOTING—10

| | | |
|---|---|---|
| Bellmon | Huddleston | Saxbe |
| Cook | McIntyre | Stennis |
| Gravel | Mondale | |
| Hatfield | Muskie | |

So Mr. HANSEN's amendment was rejected.

Mr. GURNEY. Mr. President, I send an amendment to the desk on behalf of myself and Senators BEALL, JAVITS, and BUCKLEY, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 118, beginning on line 25, in Sec. 147, delete that sentence which reads as follows: "During the period in which such study is being conducted, the Secretary is authorized to suspend any increases in tolls which may be proposed or imposed for toll bridges over the navigable waters of the United States."

Mr. GURNEY. Mr. President, section 147 of the bill on page 118 provides for a study of toll bridge authority. This is directed to find out whether there are just and reasonable tolls being charged on bridges that go over navigable waters. This is a worthy project and I have no quarrel with it. However, the very last sentence in the section states that during the period the study is going to be made, the Secretary would be authorized to suspend any increases in tolls that may be proposed or imposed over the bridges that go over navigable waters.

This poses problems for the State of Florida and also for some of the other States. I shall not labor the matter beyond pointing out that in Jacksonville, Fla., we have a bridge authority that has erected and controls four bridges built with local money, not Federal money. They were erected before the Interstate System. The city of Jacksonville proposes to increase the toll on the four bridges in order to erect a fifth bridge which is of vital importance to the economy of Jacksonville.

Of course, if the Secretary exercises his authority which he would be given in this bill, it would kill going ahead with this toll bridge in Jacksonville pending the study. That is why the Senator from Florida would prefer to have this taken out of the bill. I have cleared this with the chairman and the managers of the bill, and they are agreeable.

Mr. JAVITS. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. I yield.

Mr. JAVITS. The situation in New York is exactly as the Senator from Florida has described it in his State. In New York, self-financing has produced a world-famous series of bridges, under the gifted direction of Robert Moses. They have been able to do extraordinary things, like putting a new deck on the George Washington Bridge. They also built a new bridge across the Narrows, all

because of the capabilities inherent in this system.

There are adequate remedies in court and by statute if there is any overreaching with respect to tolls and the public interest. I hope very much that the committee may see fit to allow self-help to continue along this line.

I support the amendment of the Senator from Florida and hope that it will be agreed to.

Mr. GURNEY. I thank the Senator from New York for his contribution.

Mr. BEALL. Mr. President, I also want to support the amendment of the Senator from Florida, because the situation in Maryland is similar to that in his State, and also in New York. We have an authority which is responsible for the Chesapeake Bay bridges, and for the building of the Baltimore Harbor Tunnel. Now there is planned a harbor crossing.

If this language is allowed to stay in the bill, it will raise serious questions, because even though the Secretary may not ever exercise the authority that would be given him under the language now in the bill, it would cast a shadow on the ability of the Bond Council to make bond sales. Therefore, I think it is in the best interests of all of those interested in self-financing of bridge structures to have this language in the bill eliminated.

I, therefore, join the Senator from Florida in support of his amendment.

Mr. GURNEY. Mr. President, I thank the Senator from Maryland for his remarks and reserve the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. GURNEY subsequently said: Mr. President, I send an amendment to the desk, on behalf of myself and Mr. JAVITS, Mr. BEALL, and Mr. BUCKLEY, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 118, line 14, after "SEC. 147," insert "(a)"; and, in line 25, after the period, delete all through line 3 on page 119 and insert the following:

"(b) The Secretary shall establish by regulations, procedures which will implement his responsibilities under 33 USC § 526 regarding rates of tolls."

The PRESIDING OFFICER. The amendment is not in order until the original amendment is withdrawn.

Mr. GURNEY. Mr. President, it was my understanding that the original amendment had been withdrawn when I was outside the Chamber.

I ask unanimous consent that the previous amendment be withdrawn.

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

Mr. GURNEY. Mr. President, this amendment would take out the last section of section 147, page 118, and add the language:

The Secretary shall establish by regulations, procedures which will implement his responsibilities under 33 United States Code section 526 regarding rates of tolls.

This language we have worked out with the distinguished Senator from New Jersey who is very concerned about the language in order to take care of a situation in his own State.

At this time I yield to the Senator from New Jersey so that he can comment on this particular amendment.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. WILLIAMS. I thank the Senator for yielding.

The need for this language in the legislation arose from of a development we had with toll bridges between New Jersey and Pennsylvania where the operating authority increased the tolls. Under the law the Secretary has the responsibility to make a finding of the reasonableness of questionable increases in tolls. However, this increase went into effect before it was administratively determined whether the toll was fair or not.

It was the feeling of the Senator from New Jersey that there should be an expedited hearing on the issue of whether toll increases are just and reasonable. During that period the proposed toll increase should not go into effect, and the increase should be suspended until there is a final determination of the issue. This should not be a long period of time. Under expeditious rules and regulations, the decision should be made and a reasonable toll could then be imposed. I think this language should make that procedure possible under the regulations that the Secretary is now directed to promulgate under the law.

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

Mr. GURNEY. I yield.

Mr. BENTSEN. Mr. President, the language as amended appears to do no violence to the objective of the original language and the committee has no objection to it. The floor manager would be willing to take it to conference.

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

Mr. GURNEY. I yield.

Mr. JAVITS. Mr. President, I am very pleased to hear that statement by the manager of the bill. Our feeling was we could not go the route specified for many reasons, especially the one emphasized by the Senator from Florida (Mr. GURNEY) respecting the opportunity to utilize tolls constructively and the one recognized by the Senator from Maryland (Mr. BEALL) respecting the difficulty of raising money by bond issues. But I believe here we give every opportunity to expedite the proceedings. There is important authority already in the law. I am very pleased to see the controversy resolved in this way.

Mr. GURNEY. I thank the Senator from New York and also the Senator from Texas, the floor manager of the bill, for taking the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

## THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar numbers 72 through 80, all of which have been cleared on both sides of the aisle.

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

## ADDITIONAL EXPENDITURES BY THE COMMITTEE ON COMMERCE

The Senate proceeded to consider the resolution (S. Res. 45) authorizing additional expenditures by the Committee on Commerce for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments on page 2, after line 8, strike out:

SEC. 3. For the purposes of this resolution the committee, or its chairman, from March 1, 1973, through February 28, 1974, is authorized in its, or his discretion, (1) to require by subpena or otherwise that attendance of witnesses and production of correspondence, books, papers, and documents; (2) to hold hearings; (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate; (4) to administer oaths; and (5) take testimony, either orally or by sworn statement.

At the beginning of line 18, change the section number from "4" to "3"; and, at the beginning of line 22, change the section number from "5" to "4"; so as to make the resolution read:

*Resolved*, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Commerce, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,300,000, of which amount not to exceed $10,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed

in the RECORD an excerpt from the report (No. 93–65), explaining the purposes of the measure.

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

Senate Resolution 45 as referred would authorize the Committee on Commerce, or any subcommittee thereof, from March 1, 1973, through February 28, 1974, to expend not to exceed $1,300,000 for a study of matters within its jurisdiction under rule XXV of the Standing Rules of the Senate, of which amount not to exceed $10,000 would be available for the procurement of the services of individual consultants or organizations thereof.

During the second session of the 92d Congress the committee was authorized by Senate Resolution 245, agreed to March 6, 1972, to expend not to exceed $1,233,800 for the same or similar purposes. The committee estimates that the unobligated balance under that authorization as of February 28, 1973 (funds returnable to the Treasury), will be approximately $20,000.

The Committee on Rules and Administration has amended Senate Resolution 45 by striking out the following section—

"SEC. 3. For the purpose of this resolution the committee, or its chairman, from March 1, 1973, through February 28, 1974, is authorized in its, or his discretion, (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents; (2) to hold hearings; (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate; (4) to administer oaths; and (5) take testimony, either orally or by sworn statement."

and renumbering the subsequent sections accordingly. This action has been taken by the committee since it considers such section to be unnecessary, inasmuch as the subpena and other powers enumerated therein are granted to all standing committees of the Senate uniformly by the Legislative Reorganization Act of 1946, amended. Section 134(a) of that Act provides as follows:

"SEC. 134. (a) Each standing committee of the Senate, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures (not in excess of $10,000 for each committee during any Congress) as it deems advisable. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding 25 cents per hundred words. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman."

A letter (with accompanying budget, and a committee print expressing the goals of the Committee on Commerce for the 93d Cong., 1st sess.) in support of Senate Resolution 45, addressed to Senator Howard W. Cannon, chairman of the Committee on Rules and Administration, by Senator Warren G. Magnuson, chairman, and Senator Norris Cotton, ranking minority member, of the Committee on Commerce, as follows:

U.S. SENATE,
COMMITTEE ON COMMERCE,
*Washington, D.C., February 5, 1973.*

HON. HOWARD W. CANNON,
*Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: On Monday, the Senate Committee on Commerce reported its annual funding resolution for the first session of the 93d Congress (S. Res. 45).

To assist you and the members of the Rules Committee in evaluating the resolution, we are attaching the detailed budget in accordance with the instructions of your committee.

The modest increase in funds requested by the committee in Senate Resolution 45 over that of Senate Resolution 245, 92d Congress, second session, is accounted for by the statutory wage increase effective this past January and contingency funding for additional minority staff.

A detailed statement by the chairman of the projected goals of the committee for the first session will follow shortly.

Sincerely yours,

WARREN G. MAGNUSON,
*Chairman.*

NORRIS COTTON,
*Ranking Minority Member.*

## A HISTORY OF THE COMMITTEE ON FINANCE

The resolution (S. Res. 73) authorizing the printing of a history of the Committee on Finance as a Senate document was considered and agreed to, as follows:

*Resolved,* That a compilation of materials relating to the history of the Committee on Finance be printed, with illustrations, as a Senate document, and that there be printed four thousand additional copies of such document for the use of that committee.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–66), explaining the purposes of the measure.

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

Senate Resolution 73 would provide (1) that a compilation of materials relating to the history of the Committee on Finance be printed with illustrations, as a Senate document; and (2) that there be printed 4,000 additional copies of such documents for the use of the Committee on Finance.

The printing-cost estimate, supplied by the Public Printer, is as follows:

*Printing-cost estimate*

| | |
|---|---|
| To print as a document (1,500 copies) | $6,086.00 |
| 4,000 additional copies, at $299.37 per thousand | 1,197.48 |
| Total estimated cost, S. Res. 73 | 7,283.48 |

## TRIBUTE TO LAW ENFORCEMENT OFFICERS

The joint resolution (S.J. Res. 11) to pay tribute to the law enforcement officers of this country on Law Day, May 1, 1973 was announced as next in order.

Mr. HOLLINGS. Mr. President, each day, the law enforcement officers of our country face formidable challenges in protecting our rights and property. They are charged with the duty of upholding and enforcing our laws, and they meet this difficult and dangerous obligation with courage and dedication. They have earned our praise and our appreciation.

In 1961, Congress designated each May 1 as Law Day, and for the past 10 years this program has been marked by various programs centered on national freedom and rights under the law. During the 92d Congress I introduced Senate Joint Resolution 169 providing that on May 1, 1972, special emphasis would be given by us to the law enforcement officers whose devoted service has helped to preserve and guarantee our individual rights under the law. The resolution passed, but unfortunately it was not signed into law until 2 days before May 1, 1972. This was too late to assure a full-fledged program.

In order to afford adequate planning time, we should start now so that May 1, 1973, can be an occasion to reflect upon the debt of gratitude we owe to the law enforcement personnel. Accordingly I introduced Senate Joint Resolution 11 to designate May 1, 1973, as a day to pay tribute to the law enforcement officers of our Nation, and I ask my colleagues to favorably consider it now.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

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

The preamble was agreed to.

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

Whereas the first day of May of each year was designated as Law Day, U.S.A., and was set aside as a special day of celebration by the American people in appreciation of their liberties and in reaffirmation of their loyalty to the United States of America; and of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law that is so vital to the democratic way of life: Be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the celebration of Law Day, May 1, 1973, special emphasis be given by a grateful people to the law enforcement officers of the United States of America for their unflinching and devoted service in helping to preserve the domestic tranquility and guaranteeing to the individual his rights under the law.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–68), explaining the purposes of the measure.

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

PURPOSE

The purpose of the joint resolution is to pay tribute to law enforcement officers of the United States on Law Day, May 1, 1973.

STATEMENT

The law-enforcement officers of this Nation face formidable challenges in protecting our rights and property. They are charged with the duty of upholding and enforcing our laws, and they meet this difficult and dangerous obligation with courage and dedication. They have earned our praise and our appreciation.

In 1961 Congress designated each May 1 as Law Day, and since that time this program has been marked by various programs centered on national freedom and rights under the law. This seems to be a particularly appropriate occasion to reflect upon the debt of gratitude we owe to the law-enforcement personnel whose efforts guarantee this na-

tional freedom and rights under the law. Accordingly this joint resolution asks that on May 1, 1973, special emphasis be given by us to the law-enforcement officers whose devoted service has helped to preserve and guarantee our individual rights under the law.

The committee is of the opinion that this resolution has a meritorious purpose and accordingly recommends favorable consideration of Senate Joint Resolution 11, without amendment.

## MANUELA C. BONITO

The bill (S. 278) for the relief of Manuela C. Bonito, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 278

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of the Immigration and Nationality Act, Manuela C. Bonito shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–70), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Manuela C. Bonito. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

## MARY DANOS NAYAK

The bill (S. 537) for the relief of Mary Danos Nayak, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of section 301(a)(7) of the Immigration and Nationality Act, Mary Danos Nayak shall be held and considered to have been physically present in the United States prior to May 10, 1971, for a period of ten years, five years of which were after attaining the age of fourteen years.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–71), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to transmit U.S. citizenship to her daughter.

## SLOBODAN BABIC

The bill (S. 666) for the relief of Slobodan Babic, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Slobodan Babic shall be held and considered to be the natural-born alien son of Petar Babic, a citizen of the United States: *Provided,* That the natural mother of the beneficiary, shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–72), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for first-preference status as the unmarried son of a citizen of the United States.

## KUAY TEN CHANG

The Senate proceeded to consider the bill (S. 89) for the relief of Kuay Ten Chang (Kuay Hong Chang), which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Kuay Ten Chang (Kuay Hong Chang) shall be held and considered to be within the purview of section 203 (a)(2) of that Act and the provisions of section 204 of that Act shall not be applicable in this case.

The amendment was agreed to.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–73), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to preserve second-preference status in behalf of the widower of a lawful permanent resident of the United States, which is the status to which he would be entitled were it not for the death of his wife. The bill has been amended in accordance with established precedents.

## GUIDO BELLANCA

The Senate proceeded to consider the bill (S. 464) for the relief of Guido Bellanca, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 6, after the word "this", strike out "Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act" and insert "Act."; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of the Immigration and Nationality Act, Guido Bellanca shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act.

The amendment was agreed to.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–74), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Guido Bellanca. The purpose of the amendment is to delete reference to the payment of a visa fee and a visa number deduction, inasmuch as the beneficiary had his status adjusted to permanent residence on October 13, 1958, at which time the visa fee was paid and a visa number was deducted.

## NAOYO CAMPBELL

The Senate proceeded to consider the bill (S. 84) for the relief of Naoyo Campbell, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Mrs. Naoyo Campbell, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 24 of such Act shall not be applicable in this case.

The amendment was agreed to.

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

The title was amended, so as to read: "A bill for the relief of Mrs. Naoyo Campbell."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–75), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill as amended is to grant the status of an immediate relative to Mrs. Naoyo Campbell which is the status she would be entitled to were it not for the death of her husband, a citizen of the United States. The bill has been amended in accordance with established precedents.

LENORA LOPEZ

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 69.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 280) for the relief of Lenora Lopez.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, the proviso to section 101(b)(1)(E) of that Act shall not be applicable in the case of Lenora Lopez.

The amendment was agreed to.

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

The title was amended, so as to read: "A bill for the relief of Lenora Lopez."

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QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to cal the roll.

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

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

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FEDERAL AID HIGHWAY ACT OF 1973

The Senate continued with the consideration of the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the amendment offered by the distinguished Senator from Florida be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE COTTON AMENDMENT

Mr. NELSON. Mr. President, I regret very much that I will be unable to be here for the discussion on the amendment regarding a proposed interstate highway segment through Franconia Notch in New Hampshire. I must leave to conduct hearings in Wisconsin on legislation as chairman of the Manpower and Poverty Subcommittee. However, I would like to express my opposition to any amendment which would exempt this proposal in any way from full consideration of its environmental impact and of requirements in Federal law to protect park land wherever possible from any highway development.

The Highway Action Coalition has prepared an explanation of the issues in this matter and I ask unanimous consent that a copy of their explanation and of a Department of Transportation press release on the Secretary's opposition to interstate highway construction through this site be printed in the RECORD at this point.

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

NEW HAMPSHIRE-FRANCONIA NOTCH-BRIEFING MATERIAL

BACKGROUND—THE ROAD AND THE NOTCH

For some time Interstate 93 has been controversial in the State of New Hampshire. The State of New Hampshire had proposed to locate I-93 directly through Franconia Notch State Park. The four lane interstate would link the existing southern portion of the interstate which now terminates south of North Woodstock (No. 1 on map) to the existing northern portion, which now terminates less than a mile northeast of the park.

Franconia Notch State Park contains the famous "Old Man of the Mountain" and is one of the region's most spectacular scenic resources.

Under the auspicies of the Society for the Protection of New Hampshire Forests the land was purchased for a State Park partly through nationwide subscription in 1928. The site has been declared by the Department of Interior as eligible for Registration as a Natural Landmark. Park visitation approaches the volumes of Yellowstone National Park and Mount Rushmore Memorial. Conservationists have been concerned that the interstate highway proposed through the Notch would cause landslides, rock damage and would create an unwelcome intrusion of noise, air pollution and concrete into the Park environment. It would also consume a large part of the usable land on the floor of the narrow valley.

BACKGROUND—SECRETARIAL DECISION

In early March 1970, Secretary Volpe refused to approve for construction a section of Interstate Highway 93 through Franconia Notch State Park in New Hampshire. Precluded from construction was the section from a point approximately one mile south of Woodstock to the already constructed two-lane section just north of Franconia Notch. The Secretary's decision was based on his responsibilities under Section 4(f) of the Department of Transportation Act and the National Environmental Policy Act of 1969 and his conclusion that projected traffic volumes did not require a full scale Interstate through the Notch. Although Franconia Notch was a natural corridor from a strictly transportation viewpoint, the *through* traffic volumes would be low (about 800 ADT) and the environmental damage severe.

In a March 2, 1970, letter to the New Hampshire Commissioner of Public Works and Highways (copy of letter attached), Secretary Volpe noted that construction of this proposed highway was to be indefinitely postponed. The Secretary offered assistance to the State for safety and tourist use improvements on existing Highway 3, such as better turn outs in the Notch, and for a smooth transition from I-93 south of the Notch to a connection north westerly to I-91, as necessary and desirable for an alternative route. Secretary Volpe reaffirmed his decision in fall, '72 that a route through the Notch would not be acceptable. The State has done nothing on the studies suggested by Secretary Volpe.

PRESENT STATUS

1. *Construction South of the Notch*—was approved as part of the 1970 decision will create smooth transition between I-93 and existing Route 3; Nov. '72—a major rockslide covered an unfinished section on I-93 near Woodstock; slide caused by blasting which weakened a granite ledge 12 miles south of the Notch (this reinforces the concern of groups opposing the I-93 proposal through the Notch).

2. *Construction North of the Notch*—involves widening of portion of I-93 from two lanes to four lanes, on existing right-of-way—proceeded without consultation with Office of the Secretary opponents considering it a "foot in the door" approach to forcing construction of I-93 through Notch not explicitly dealt with in 1970 decision.

3. *Any future transportation proposals in Woodstock to Franconia Area*—must consider how to serve the 80% of the traffic bound for Franconia Notch area (ADT 1980 about 4,000); will require preparation of an environmental impact statement involving full consideration of alternatives. Secretary Volpe provided assurance that all actions in this area will be closely monitored by the Acting Federal Highway Administrator and the Assistant Secretary for Environment and Urban Systems (now Assistant Secretary for Environment, Safety, and Consumer Affairs). The Environmental Protection Agency has also expressed major interest in this case.

4. *Alternatives for the Interstate*—Alternatives that have been given some consideration by various groups include (1) a tunnel under Eagle Mounatin to the east of the Notch (#3 on map), (2) a westerly route through Kinsman Notch, south of Franconia Notch (#4 on map), and (3) a route from Plymouth along the Baker River and Route 25 northwesterly, either tying into I-93 at Littleton (#5 on map), or tying into I-91 above Bradford (#6 on map). The tunnel route could be extremely costly, but widely varying estimates have been made. The Kinsman Notch ruote would cross difficult terrain and could create water supply problems for local communities. The route from Plymouth would apparently not have adverse environmental effects, but the already constructed interstate mileage north to Woodstock would be left as a spur, and traffic to the Notch would have to continue to use Route 3 or a new transportation system developed to serve visitors to the Notch from an intercepting point at the terminus of I-93, north and south of the Park.

5. The State/FHWA are currently preparing a final EIS for I-93 from Littleton, N.H., to St. Johnsbury, Vermont (north and west of the Notch).

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SECRETARY'S OPPOSITION

Secretary of Transportation John A. Volpe today took steps to preserve the scenic and historic Franconia Notch in New Hampshire's White Mountain National Forest by refusing to approve Interstate Highway construction through the site.

"This area, site of the famous Old Man of the Mountain rock formation, is one of the scenic treasures of New England and a valuable recreation resource for both summer and winter visitors," Secretary Volpe said.

"I am indefinitely postponing the construction of this section of Interstate 93, which links Boston and Montreal, and do not plan to consider it further at this time. My responsibilities under Section 4(f) of the Transportation Act and under the Environmental Quality Act require that I review every project and program to insure minimum impact on the environment."

Secretary Volpe pointed out that traffic forecasts for that section of the highway do not at this time demand a highway constructed to Intertsate standards.

Interstate 93 is designed to cross New Hampshire from south to north. The area in question would have linked that portion of Interstate 93 which now ends north of Woodstock, New Hampshire, with another section of the highway proceeding from the Notch to Littleton, New Hampshire, and ultimately to St. Johnsbury, Vermont.

Proposals to construct I–93 through Franconia Notch have led to debates between conservationists and sportsmen and those who use the corridor for north and south highway travel. Conservationists and sportsmen argued that it was not appropriate to use the Notch, nationally recognized as an area of great beauty and recreational importance, as a major Interstate highway corridor.

Studies funded by the New Hampshire State Highway Department and the Department of Transportation's Federal Highway Administration have indicated that traffic in this area will be too light to justify constructing a highway and possibly damaging the scenic quality of the area through which the highway would pass.

A section of the highway north of Franconia Notch already has been improved because U.S. Highway 3, which roughly parallels the proposed Interstate highway, was too deteriorated to handle the traffic load, Secretary Volpe said.

U.S. Highway 3 will be restored to improve the safety of the road and to provide better turnouts and shoulder areas for use by tourists who visit the area.

In addition, should the New Hampshire State Highway Department desire, the Department of Transportation's FHWA has indicated its willingness to improve or develop an alternate route which would proceed from Woodstock northwesterly to connect with Interstate 91 south and west of Franconia Notch.

Mr. COTTON. Mr. President, I call up my unprinted amendment, a copy of which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and I will carefully explain it.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 127, immediately after the last section of Title I, insert the following new section:

"INTERSTATE CONSTRUCTION IN RURAL AREAS

SEC. —. In order to facilitate the construction of the Interstate System in any rural area,

"(a) where a segment or a portion of such system of not more than twelve (12) miles is essential to the development of a connected National System of Interstate and Defense Highways;

"(b) where such segment or portion will provide for substantially increased safety of highway travel and assist in the social and economic development of such rural area; and

"(c) where a State, acting through its Governor, State Legislature, Department of Public Works and Highways, and Congressional delegation, has formally requested the Secretary to approve the construction of such segment or portion of the Interstate System and action by the Secretary has resulted in the postponement of construction, it is the sense of the Congress that the Secretary shall give reconsideration to the request of such State to approve the construction of a parkway for such segment or portion as an appropriate connection, notwithstanding any requirement of title 23, United States Code, otherwise requiring a multipurpose highway."

Mr. COTTON. Mr. President, I yield myself 5 minutes to explain the amendment, which I am hopeful will be acceptable to the managers of the bill for the committee.

Although my amendment is expressed in general terms, I want to say frankly that, so far as I know, it can apply only to one case which is unique, and which is in my own State of New Hampshire.

Most Senators who have enjoyed the beauties of New Hampshire, the most beautiful State in the Union, may, at some time in their careers, have passed through Franconia Notch and looked up and seen the Great Stone Face, as it is called by some people, or the Old Man of the Mountain, as it is called by many people in my State. It is one of the most beautiful sights and one of the most scenic splendors of our State, of which we are very proud and of which we are most careful.

When traveling north on Interstate Highway 93 from Boston, Mass., through New Hampshire and on across northern Vermont, the only way one can go directly through the White Mountains is through Franconia Notch, which is the Notch presided over by the Great Stone Face.

There was some controversy between citizens who, deeply and justifiably dedicated to protecting the environment, were concerned about damaging the scenic beauty of the Notch, and those who, realizing we have no train service in New Hampshire and practically no air service, felt that this highway improvement had to go through the only way it could—through the Notch. While the controversy was going on, four lanes of Interstate Highway were built right up to the Notch, and then stopped. It was built to the Notch and stopped, so that for some 12 miles at the present time the people traveling north or south are suddenly——

Mr. PASTORE. Mr. President, may we have order in the Senate? I would like to enjoy this trip.

The PRESIDING OFFICER. The Senate will be in order. Senators will please be seated. The Senator from New Hampshire is entitled to be heard. The Senator from New Hampshire is recognized.

Mr. COTTON. I thank the Senator from Rhode Island (Mr. PASTORE). At the present time, there is a real hazard existing at the Notch, because the heavy traffic in the summer and in the winter during the skiing season is suddenly thrown into a narrow, one-lane highway.

This matter was all thrashed out by my State. Both houses of the Legislature of the State of New Hampshire, after holding extensive hearings, approved constructing the interstate highway through the Notch. The then Governor approved it. The highway department approved it. Both U.S. Senators approved it. My colleague, the distinguished Senator from New Hampshire (Mr. MCINTYRE), who is unavoidably absent today since he had to travel out of the city, joined with me. We both approved it. Both of New Hampshire's Congressmen approved it.

But, as I stated earlier, there were objections by those who were concerned about the environmental aspect impact of the proposed construction.

It was with this background that we came down to Washington soon after Mr. Volpe became Secretary of Transportation to be heard on this matter. The Governor came down. The President of the New Hampshire Senate and Speaker of the House, the State highway commissioner, and the two U.S. Senators and two Congressmen were present at this meeting. We all went down and had a hearing to express the desire of New Hampshire. All precautions had been taken. No hazard to the natural objects up there from blasting or otherwise would have to be faced, because the new lane would be on the opposite side of the Notch—from the side of the Old Man in the Mountain.

Now, Mr. Volpe sought to be fair. But, the Secretary of Transportation rejected the request of our delegation—the two U.S. Senators and two Congressmen, the highway commissioner, the legislature of New Hampshire—and the highway was not able to be constructed through the Notch.

In fairness to the Secretary of Transportation I want to say that, pursuant to the requirements of title 23, United States Code, it would have to be a multipurpose highway open for use by commercial traffic, such as trucks. It would not be for the more limited use my amendment proposes. So we were delayed at that time, and we made no further effort.

Now, my good friend, Mr. Volpe, is in Rome as our ambassador. I truly hope he is enjoying himself, knowing as I do how much he looked forward to his new assignment. We were good friends and he came to me before he left. He thanked me for courtesies to him and I thanked him for courtesies to me. And, as he was leaving my office, I said in good humor, "John, I will have this highway matter before the Senate before you are gone 2 weeks." He smiled and waved his hand, saying goodbye to me.

The purpose of my amendment is to accomplish just two things. It expresses the sense of Congress that the new Secretary of Transportation shall give reconsideration to the application of the New Hampshire Legislature and its Governor. And, may I say, the present Governor, who defeated the former Governor, is equally interested in proceeding. I talked to him twice on the telephone today.

Now, my amendment does not say the Secretary must approve this request of my State. It does not direct him to do anything. It is just an expression of the sense of Congress to give this matter reconsideration.

Second, it exempts the requirements of title 23, U.S.C., requiring a multipurpose highway. This provision is made since it is the intention now of the Highway Department of my State, if we can get reconsideration through my amendment, to build a parkway. It would mean that the Interstate Highway could be

extended through the Notch, and traffic would not be siphoned into the present narrow and dangerous situation. However, by making it a parkway heavier commercial traffic, such as trucks, would not be using it. And, with a parkway, the speed of traffic would have to be less.

As a result, you would not have the situation we now have of people driving through the Notch, trying to see the Old Man in the Mountain, and running into other cars. We have been fortunate to date not to have had a fatal accident. Also, this proposal would send trucks and heavy traffic around by another route. But, it also would save going back to the New Hampshire Legislature again, having a hearing, and passing another bill before the Governor, the Senators, and the Congressmen would be able to seek reconsideration by the Secretary. Briefly, this is all that my amendment would accomplish, but it is important to my State.

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

Mr. COTTON. I am glad to yield to the Senator from Vermont. Mr. President, I yield myself an additional 5 minutes.

Mr. STAFFORD. Before I ask the question I would say to the distinguished senior Senator from New Hampshire that I am well aware of Franconia Notch in our neighboring State. Many Vermonters go there. It is a lovely part of our country. If it has any single geographic problem, it is the result of the very cold winters there which cause the migration of some people of New Hampshire into Vermont until spring rolls around.

The only question I have has to do with the environment. Can the distinguished Senator tell me whether or not there is any intent in his amendment to seek exemption on meeting environmental requirements, so far as the amendment is concerned?

Mr. COTTON. I thank the Senator for his question. There is absolutely nothing in the amendment that denies to any person, any environmentalist, or any ecologist the full appeal to the courts.

All we seek is reconsideration. Then, before we proceed all persons will have all their rights protected by the court.

Second, my amendment provides for an exemption from that title of the United States Code, requiring a multipurpose highway, so that we can ask for what would be the best thing, a parkway. Also, the State of New Hampshire would be able to provide for a large scenic parking space on such a parkway so people can drive off of the highway and stop to view the beauties of the Notch.

Mr. STAFFORD. I would say to the distinguished Senator from New Hampshire that, as far as I am concerned, I am prepared to accept the amendment.

Mr. COTTON. I thank the Senator.

Mr. BENTSEN. Mr. President, will the distinguished Senator from New Hampshire yield?

Mr. COTTON. Gladly.

Mr. BENTSEN. As the Senator from New Hampshire knows, the floor managers of the bill were opposed to the amendment as it was first drafted, but the amendment has been redrawn. In no way is it a mandate, mandating the highway to be built; it is merely an expression of the sense of the Congress and gives a second hearing to the Secretary. Is that correct?

Mr. COTTON. That is correct. The only thing my amendment accomplishes is a second hearing on a different proposition.

Mr. BENTSEN. With that understanding of the amendment, I am prepared to accept the amendment and take it to conference, if that is the will of the Senate.

Mr. COTTON. I thank the Senator very much.

I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I wish to use this opportunity to express appreciation to the Senator from New Hampshire, whose purpose, as much as or more than that of any Member of this body, is to think in terms of the well-being of the people of his State. I have noted, on the many occasions when he has risen to speak on matters that might be considered provincial, that they are, as a matter of fact, of interest to the country as a whole.

For that reason, those of us who have worked diligently, we trust in a well-reasoned way, to build a road system for America, have done it so that hundreds and hundreds of millions of people—poor people—will be enabled, as they have been, to see the beauties of New Hampshire and Vermont, and particularly West Virginia, but throughout this country, the broad expanse of an America that needs to be seen and understood and appreciated. That has been a contribution of our road system that is often overlooked.

Mr. COTTON. I thank the Senator.

Mr. President, having tried cases for many years, I know that when the court is with you, it is time to stop arguing your case. I, therefore, am perfectly willing to yield back my time if the manager of the bill will yield back his time.

Mr. BENTSEN. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. PASTORE. Mr. President, let the RECORD show that the Senator from Rhode Island voted in the affirmative.

Mr. COTTON. I thank the Senator from Rhode Island.

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## 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 Senate amendment to the House amendment to the bill (S. 7) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4278) to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973.

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## FEDERAL AID HIGHWAY ACT OF 1973

The Senate continued with the consideration of the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Mr. BEALL. Mr. President, I have an amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 125, line 22, after the word "Virginia", add the following: "and to Friendship International Airport".

On page 126, line 10, strike "$10,000,000" and insert in lieu thereof, "$20,000,000".

Mr. BEALL. Mr. President, this is a fairly uncomplicated amendment, which I hope it will be possible for the committee to accept today, because it is uncomplicated.

Mr. RANDOLPH. Mr. President, I especially want to hear my friend and colleague from Maryland as he explains his amendment. I have discussed it with him. I am against it, but I want to listen to what he has to say so that I may make remarks in response.

Mr. BEALL. I thank the Senator from West Virginia. I had hoped he would be able to support this amendment, because I know he has been a leader in moving people from place to place and in developing a highway system to benefit the country, and I think this amendment is in the interest of the traveling public. It is offered with that thought in mind.

For the benefit of the Members of the Senate, this amendment deals with section 153 on page 125 of the bill. Section 153 authorizes the Secretary to undertake a demonstration program for high-speed bus service from collection points in the Washington, D.C., area to Dulles International Airport, Va.

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

Mr. BEALL. I yield.

Mr. BENTSEN. In the interest of Senators, would the Senator from Maryland be agreeable to a limitation of time?

Mr. BEALL. I do not think we will need it. I will agree to a time limitation if it proves necessary, but I do not think it is a complicated amendment.

As I was saying, section 153 authorizes the Secretary to undertake a demonstration program for high-speed bus service from collection points in the Washington, D.C., area to Dulles International

Airport, Va. My amendment would add, after the word "Virginia" the words "and to Friendship International Airport", and on the next page, on line 10, would strike out "$10,000,000" and substitute "$20,000,000".

I think we are all aware of the fact that the Washington Metropolitan area is served by three major airports. Two of these, National and Dulles, are owned by the Federal Government and operated by the FAA. The third is owned by the State of Maryland and operated by the State of Maryland, Friendship International Airport.

National Airport, as all Senators know, is very accessible to all of us, and it is easy for everybody to get there. Dulles and Friendship are about equal distances from the National Capital.

It seems to me the Federal Government should not be in a position of competing with a State government. It seems to me when we are going to demonstrate new ways of moving people, we should do so so as not to disturb the balance of fairness that exists between one airport and another airport. In other words, each should be equally accessible to the traveling public.

I think my amendment is particularly pertinent at this time because the State of Maryland is about to acquire from the Federal Government the Baltimore-Washington Expressway. This is the road that runs from the end of New York Avenue to Baltimore. The road up to about Laurel was formerly owned by the Federal Government, the rest by the State of Maryland. Now, with construction of I–95, the State is going to take title to this highway. It was agreed with the Federal Government to reconstruct it to Federal standards. This means that there is going to be major construction on the Baltimore-Washington Expressway, and it would be logical at this time, if we are interested in having demonstration projects, to have an additional lane to accommodate high-speed buses, because it could be done at very little cost since the work is going to be in progress already.

It seems to me it would be feasible—in fact, would be desirable—to have a demonstration project take place, not instead of, but along side of, any project that moves people with respect to Dulles International Airport. I think this is the kind of amendment that would be in the public interest, and I would hope that, if there was any opposition, the opposition would recognize the logic of the argument that has been presented for the amendment.

Mr. SCOTT of Virginia. Mr. President, I am somewhat reluctant to oppose an amendment by my friend the Senator from Maryland, but there are a number of differences that should be pointed out between Baltimore's Friendship Airport and Washington's International Airport at Chantilly.

Dulles International Airport was constructed with Federal funds, well over $100 million, to supplement Washington's National Airport and to help meet the needs of the Washington area both with domestic and with international flights.

It is my understanding that Friendship Airport was initially owned by the city of Baltimore and, while it is utilized by citizens of the Washington area, it is not owned or operated by the Federal Government.

I would not in any way want to oppose activities the distinguished Senator from Maryland proposes to help his State. I do, however, feel that any proposal made by the Senator should rise or fall on its own merits rather than ride piggyback on an amendment adopted by our own Public Works Committee to aid the development of federally owned Dulles International Airport.

As the Senate knows, only two commercial airports in the country are owned by the Federal Government. One is Washington National, in Arlington County, the other is Dulles International Airport, in Fairfax and Loudoun Counties. They are unique in the country as being authorized by Congress and paid for with Federal funds. Both are under the jurisdiction of the Federal Aviation Administration. I often feel that National is over-used and would hope that many of the domestic flights at National can be transferred to Dulles, which may well be this country's safest airport.

One difficulty has been the lack of access to Dulles Airport. The provisions of this bill should be of material help in making Dulles more acessible. The early completion of Interstate 66, with rapid rail transit down the median strip, and extended along the Dulles access road, will cut many minutes off of the time necessary to get from downtown Washington to Dulles Airport.

Certainly I would not take anything away from Baltimore's Friendship Airport, but the whole thrust of my argument is that the airports are not the same. We might well want to help the city of Philadelphia, the city of New York, or other critics throughout the country. I believe that the proposal by the Senator from Maryland should stand entirely on its own merits, and I have no objection to it on that basis. My only purpose in speaking at this time is to draw the attention of the Senate to the differences between these two airports. Therefore, I reluctantly ask that this amendment he rejected.

Mr. MATHIAS. Mr. President, I am pleased to be a cosponsor with my distinguished colleague from Maryland on this amendment. The amendment embodies an idea which is not new in itself. It embodies an idea which reflects the need of the people. It is an amendment which I think will improve the Washington metropolitan area.

I have been a Member of Congress and of the District Committees of both bodies for a period of 12 years. I learned in those 12 years that we have to look at some problems of the National Capital area from a metropolitan point of view. I think that is exactly what this amendment does. It takes a metropolitan area point of view of a pressing transportation problem.

I am disappointed that the distinguished Senator from Virginia (Mr. SCOTT) feels as he does about this amendment. I think he has made an interesting statement, but I must confess that the distinction between a nationally owned airport and one which is owned by a State seems a little legalistic in this age, when President Nixon is trying to educate the country on the new federalism, trying to educate the country on the value of having States and localities undertake responsibility.

It seems to me that what we are talking about here is not a legalistic distinction as to whether the Federal Government or a State government owns a particular facility, but rather what we can do which will foster the greatest amount of service to the people that we seek to serve.

We have in this area three great airports: Friendship, National, and Dulles. These airports attempt to meet the needs of the traveling public. They are regional airports. It is not a unique situation. In many parts of the country there are regional airports around a great metropolitan center. I think that the experience of the traveling public is that when the regional airports are coordinated in their activities, the public is better served.

It may be true that the situation of Dulles and of National is unique, because they are owned and operated by the Federal Government. It is not true, I believe, that that unique status is particularly desirable. Nor is it true that that unique status will always be the case, because there are some very serious critics of Federal ownership of National and Dulles, those who suggest that National and Dulles might well be transferred by the Federal Government to either a regional airport authority or to some other form of ownership and operation. It has even been suggested that the State of Virginia might some day take over and operate one of these airports.

I am not making an issue of the legal status of any one of the airports, past, present, or future; but what I do ask the Senate to do is to look ahead. Yesterday we had an opportunity to look ahead—to look ahead as the distinguished Senator from West Virginia (Mr. RANDOLPH) and the distinguished Senator from New Jersey (Mr. WILLIAMS) urged us to look ahead to some of the needs of the country.

I looked ahead with them, and I want to look ahead in this case. I want to look ahead to the needs of the traveling public in the National Capital area, look ahead to what the air travelers of the future are going to need. They are going to need the regional airport system, and they are going to need to get to every one of the components of the regional airport system—Dulles, Friendship, and National—by some kind of high-speed mass transit system.

It is looking ahead that my colleague from Maryland proposes to do. Let us look ahead. Let us provide this three-way airport service. Let us give better service to the public. The place to start is here, and the time is now.

I urge the Senate to adopt the amendment offered by my colleague from Maryland.

Mr. BEALL. Mr. President, I would just add one further word to what my colleague has said. We are not really talking about demonstration projects for two airports. We are talking about demonstration projects for moving citizens. When we talk about the public being served, the Friendship route has an additional asset in that the road, the facility to be used, extends from Baltimore to Washington. So in addition to serving the 2.8 million people who last year used Friendship, as opposed to the 2.3 million people who used Dulles Airport, we would be able to serve the whole metropolitan region by giving a demonstration of high-speed bus transportation between Baltimore and Washington, in addition to the demonstration that could be used to carry traffic back and forth to the airport.

I think that when we are talking about demonstration projects, we have to consider, as my colleague from Maryland said, the whole metropolitan system and look at the whole feasibility with respect to the problem we are talking about.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CHURCH. Mr. President, in the committee report which accompanies this bill, there is a section that relates to forest development roads and clearcutting. I know that the distinguished chairman, the Senator from West Virginia, feels very strongly about the practice of the Forest Service in conducting clearcuts in the Monongahela National Forest. I recall last year, when my Subcommittee on Public Lands of the Committee on Interior and Insular Affairs held hearings on this question, our first witness was the distinguished Senator from West Virginia, and he made a very powerful case against clearcutting in the Monongahela National Forest. In fact, I think no more persuasive case was made throughout the hearings than that presented by the able chairman of the Committee on Public Works.

I note from the committee's report on the pending bill a paragraph which reads as follows:

> It is the Committee's intention that funds authorized for forest development roads and trails not be used to provide access for large scale timber sales involving clear cutting. Not only is this especially important in eastern mixed hardwood forests, but the Committee is concerned with the implications of large scale clear cutting throughout the national forests. Priority should be given, insofar as practicable, to recreational development in non-wilderness areas, fire control facilities, and service to communities within or adjacent to national forests.

Mr. President, following the extensive hearings on clear cutting to which I have referred, the Subcommittee on Public Lands was able to reach agreement on a set of guidelines to govern the practice of clear cutting in the national forests, with the objective of eliminating the abuses of the past. The Forest Service agreed to those guidelines, and I am happy to say that they met with a favorable response from the lumber industry and from the conservationist groups that had appeared and testified at the hearings.

I am advised by the distinguished Senator from West Virginia, however, that the practice of clear cutting not only continues in an objectionable form in the Monongahela National Forest, but that he is determined that funds in this bill should not be used to further that practice there.

With that I have no disagreement, but I am concerned that in the western forests, as long as these subcommittee guidelines are adhered to, there be no proscription against the use of funds authorized by this bill for forest access roads where clear cutting may be involved.

So I would ask the distinguished Senator from West Virginia whether, by the sentence "It is the committee's intention that funds authorized for forest development roads and trails not be used to provide access for large-scale timber sales involving clearcutting," he means for that restriction to apply in the Western forests, in cases where the Forest Service is adhering to the guidelines of the Subcommittee on Public Lands set forth in its report of March 1972, following the hearings to which I have referred.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats. The senior Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I had the opportunity, earlier in the day, outside the Chamber, to discuss this matter with the able Senator from Idaho (Mr. CHURCH).

As he has indicated, many of us have been intensely interested in the subject of clearcutting, which in many parts of the United States has been destructive of good forest management. I have discussed this subject with many persons, professional forestors, conservationists, and officials of the Forest Service including recent conferences with the chief of the Forest Service, John McGuire and the supervisor of the Monongahela National Forest, Alfred Troutt. I have visited forest areas.

I am desirous, of course, to have the report reflect exactly what the committee meant. I would emphasize to the Senator from Idaho that the key to the meaning is contained in the language "a predominant system of even-aged management in eastern mixed hardwood forests."

This emphasizes that there is a difference in management techniques on varying compositions of forests throughout the country. I can assure the Senator that the intention of our committee is to recognize that clearcutting is a more applicable and more appropriate tool of forest management on certain forests than on others—notably, I think, in certain areas of the Far West, perhaps.

I believe, however, that it is important to indicate that this does not mean that clearcutting abuses have not occurred on the Western forests. We have seen evidence documented with photographs, at hearings where the able Senator from Idaho was in charge, instances of excessive clearcutting in the West. Such instances have occurred in the Bitterroot National Forest, just as they have occurred in the Monongahela National Forest.

The frequency and size of clearcutting will, I think, vary. Obviously they vary according to the type of forest area and the regeneration cycle, as well as the ultimate objective.

For example, professional foresters advise me that clearcutting is more advisable and practicable on many Western forests, if it is to be used at all, than it is on the forests of mixed hardwoods in the East. I must strongly emphasize, however, that the primary concern of the committee is with the implication of large scale clearcutting throughout the National Forests. Such practices are not acceptable. This is an issue I believe we must all be very concerned about and check on very carefully.

I hope this is an adequate response, and will help the Senator understand the language in the report to which he has made reference.

Mr. CHURCH. Mr. President, I thank the Senator very much for his reply. As he knows, the guidelines that were set forth in the report of my subcommittee are meant to eliminate the very abuses in clearcutting to which he has referred. I would think, Mr. President, that it would be highly pertinent to the legislative history if the report of the Subcommittee on Public Lands published in March 1972, entitled "Clearcutting on Federal Timberlands" were printed in the RECORD, and I ask unanimous consent that it appear at this point.

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

CLEARCUTTING OF FEDERAL TIMBERLANDS

On April 5, 6, 7, and May 7 and June 29, 1971, the Subcommittee on Public Lands of the Senate Interior and Insular Affairs Committee held hearings on the announced subject of "Management Practices on the Public Lands." These were scheduled as informational hearings to look into what has become one of the most controversial questions ever to involve the nation's Federal timberlands—the practice of clear-cutting. The purpose was to determine whether clear-cutting results in intolerable impacts on the Federal land environment. Because clear-cutting is an established forest management practice for many American tree species, the Committee wanted to determine how it affected the environment. If it developed that there were adverse effects, the Committee wanted to learn how they could be minimized.

Over 90 witnesses were heard; many more submitted statements for the record. Witnesses included members of Congress, environmentalists, state officials, professional foresters and other scientists, and representatives from the timber and housing industries, the Forest Service, the Bureau of Land Management, and the Department of Housing and Urban Development. Foreign trade in timber products in relation to clear-cutting was not investigated.

The Subcommittee's attention was directed primarily to clear-cutting practices on the National Forests, especially on examples in Montana, West Virginia, Wyoming and Alaska. This was done because there had been complaints of the practice on four specific National Forests. Such practices were attacked vehemently by the environmentalists (Part 1, Evans, p. 76–77, 5 recommendations),

but clear-cutting as a method was strongly defended by representatives of the timber industry (Part 1, Wyatt, p. 197–208), the Forest Service (Part 3, Cliff, p. 806–934) and representatives of the professional Society of American Foresters (Part 2, Davis and Duffield, p. 556, recommendations; p. 558). Some of those who opposed clear-cutting suggested a permanent moratorium on all clear-cutting on Federal timberlands. Those who defended the practice basically felt that no Congressional action was needed to limit the use of clear-cutting.

Some serious scientific questions were raised, such as possible long range adverse effects of clear-cutting on soil nutrients (Part 1, Curry, p. 157–173). Conversely, other professional forestry witnesses detailed the results of clear-cutting and the scientific research, mainly by the Forest Service through its Nation-wide system of forest experiment stations, demonstrating the need for clear-cutting of certain important tree species if they are to be reforested successfully. (Part 3, Doolittle, p. 931; Tarrant, p. 932; Wellner, p. 927, Nutrients: USFS, p. 1057–1067).

(NOTE.—Citations in Parenthesis are from the Hearing Record.)

BACKGROUND

Clear-cutting in Perspective:

Timber management is only one aspect of the total management of public land resources. Even-aged timber management, which involves clear-cutting, is one kind of timber management. Even-aged timber management is an acceptable, professionally recognized, and reputable type of timber management that is widely practiced in Europe, North America and Asia for perpetuation of species whose ecological requirements include full sunlight, and where soil, slope and local climate conditions dictate. Most professional foresters testified that clear-cutting as a harvesting practice is the only feasible means of continuing production of forest crops of certain species in certain locations.

Clear-cutting is generally an essential means of achieving even-aged forest management. It can be applied judiciously and with expertise with favorable results, or it can be applied carelessly with unfavorable, even calamitous results.

The wide application of clear-cutting, the devastated appearance of the land that often follows its use, and the resulting public outcries of concern have made it highly appropriate that the committee exercise Congressional oversight in this matter.

The Subcommittee does not question that under appropriate conditions clear-cutting is a necessary, scientific, and professional forestry tool, nor does it believe Congress should legislate professional forestry practices in public land management any more than it does engineering practices for the Bureau of Reclamation or medical practices for the Veterans Administration. However, if these practices lead to basic questions of acceptable environmental impacts, national policy objectives, and conformance with existing statutes, Congress should take a look.

It is often necessary to clearcut timber stands to prevent the spread of forest insects and diseases. Some insects such as the Spruce beetle, Southern Pine beetle, and Mountain Pine beetle infest groups of trees. Successive broods enter adjacent trees and fly to other spots in the Forest. Dwarf-mistletoe, a serious parasite of several coniferous species, spreads from tree to tree by seeds from the parasitic plants. In both cases, and with certain other insects and diseases, timely cutting of the host trees is necessary to remove the infection centers and prevent the spread of the insects or diseases to adjacent stands or regeneration.

In other situations, particularly in older stands devastated by insects, disease, or fire, large numbers of trees are often dead or badly damaged. In order to salvage the useable wood or adequately prepare for regeneration of the damaged stand, it is often necessary to clear-cut.

Clear-cutting looms large in the timber harvest picture. For example, our National Forests yield over ¼ of the annual timber production of the Nation. In the West, of the National Forest area logged last year 30% was clear-cut, with a resulting production of 60 percent of the timber volume harvested in that region. In the East, of the National Forest logged areas 40 percent was clear-cut, yielding 50 percent of the volume there. Clear-cutting has generally proved to be a more expeditious way of getting immediate, high timber yields per acre from mature and overmature forests than are shelterwood, seed tree, or selection systems, where these systems are viable alternatives.

The Presidential Task Force on Softwood Lumber and Plywood, in June 1970, estimated that the National Forest annual timber harvest could be expanded by 7 billion board feet with appropriate investment in more intensive forest management and with proper planning and financing.

This would mean a 60 percent increase over the volume harvested then. Without continued use of clear-cutting in cases where appropriate the Forest Service could not be responsive to such goals. It could not meet the pressures of a growing population for increased housing, without improving management practices on the national forests.

Thus, clear-cutting emerges as an essential tool, if the Forest Service is to come anywhere near meeting such a starting increase in the timber cut goal. But any dramatic increase in the timber cut could prove disastrous to the National Forests if its achievement actually destroyed their capacity for sustained yield. It would be disastrous to the timber industry as well, because the industry must depend on public lands for a substantial part of their total raw materials supply. Even if adequate funds were available for more expanded forest management systems, the National Forests could not produce enough materials to meet the Nation's housing need. But the National Forests can play their part, through application of more intensive, scientific forestry techniques, including judicious use of clear-cutting, without adverse effects on the current or future environment or without jeopardizing in any way the timber supply for that segment of industry which depends on public lands for a substantial part of its total raw material supply.

In a recently issued publication, "An Analysis of Forest Issues in the First Session of the 92d Congress," pages 4–5, the Congressional Research Service of the Library of Congress cites the background for the increased timber harvest:

"The Forest Service did not come into being until 1905. For almost half a century following its creation, the National Forest System contributed only a fraction of the national lumber output. Nearly 95 percent of the U.S. supply came from privately owned forests. During this time the Forest Service regarded itself as custodian and protector rather than a prime producer.

"Then suddenly in the 1940's two things began to happen. The timber industry began to run out of trees. Then came World War II, with its enormous demand for lumber, followed by the biggest building boom in our history.

"Abruptly, the price of Douglas Fir on the stump shot upward, and the Forest Service was forced to change quickly from a custodial agency to a production agency. Much of the change was in response to increased Congressional appropriations for more logging roads and more timber sales. At the same time, appropriations for other forest uses were trimmed back.

"In 1940 there were only 87,000 miles of road in the National Forests; by 1960 there were 160,000 miles. Timber sales also soared during the same period. USFS timber harvested in 1941 was only 1.5 billion board feet; in 1951 it was 4.4 billion; 8.3 billion in 1961; and 11.5 billion in 1970. Currently, about 30 percent of the total U.S. production comes from the National Forests, and the demand is still increasing."

CONCERN WITH CLEARCUTTING

The present concern with clear-cutting on the National Forests has developed largely since 1964. It was probably brought about by: (1) General application of clear-cutting to Eastern hardwoods starting in that year. Before 1964, these forest types were harvested primarily by partial cutting, either the selection or shelterwood systems; (2) The increase in Forest Service allowable cuts over the last decade or so, and the corresponding accelerated rate of timber sale and harvesting activity. Clear-cutting was applied to 564,000 National Forest acres last year; (3) The manner in which clear-cutting has been applied, in some instances, including examples where there are large blocks or strips of 1,000 acres or more, close spacing of blocks, cutting on steep slopes, large amounts of slash and waste, accelerated erosion, and generally devastated appearances (4) Increasing National attention to the environment and growing environmental consciousness of the general public, particularly the young; (5) Increasing desire of the public to participate in decision-making by public agencies. (6) The alleged failure of the Forest Service in some instances to be responsive to concerns about the environmental impacts of timber harvesting and management practices, coupled with an inability to secure funds from the Congress for giving other forest uses equal attention in accordance with the general guidelines and directions of the Multiple-Use Sustained Yield Act of 1960.

FOCAL POINTS

The focal points of controversy appear to be the Bitterroot National Forest in Montana the Monongahela National Forest in West Virginia. The Tongas in Alaska, and the Bridger in Wyoming.

There are four major analyses relating to practices on the Bitterroot: (1) A Forest Service inhouse task force study, which found lapses in quality of management and over-emphasis on production goals. It offered numerous recommendations; (2) A University of Montana faculty report by a task force headed by the Dean of the Forestry School. Completed in late 1970, it was based on an independent investigation, made a statement of findings, criticized the Forest Service report, recommended against the prevalent practice of clearcutting and terracing and offered four alternatives; (3) Management Direction for the Bitterroot National Forest Final Environmental Statement, prepared by the Forest Service under Section 102(2)(c) of the National Environmental Policy Act of 1969. Numerous changes in management are directed in this statement; and (4) Testimony of the Chief of the Forest Service before this Committee.

Likewise, there are four major analyses relating to the Monongahela. These are: (1) A 1970 Forest Service study of even-aged management by a special review Committee, which was highly critical in its findings; (2) An August 1970 report of a Forest Management Practices Commission of the West Virginia Legislature. The Forest Service has stated that it is in agreement with most of the Commission's findings; (3) The environmental statement of the Forest Service submitted to the Council on Environmental Quality, in which eight specific changes in

management are adopted. Since 1964, the Forest Service has stated repeatedly that even-aged management involving clear-cutting was the basic silvicultural system in this general forest zone. Now this has been changed. Service policy now is to use a variety of methods, with none primary, to keep clear-cuts to 25 acres or less, and to increase distances between cuts along with other measures; and (4) Senator Randolph's testimony before this Committee (Part 1, pp. 9–17, Hearing Record).

For the Tongas and Bridger National Forests no comparable series of detailed studies are available. Practices on the Bridger appear to have prompted S. 1592, introduced by Senator McGee and others, which would establish a Commission to study clear-cutting on Federal lands, and pending its findings, prohibit clear-cutting on the national forests. The Forest Service recently has issued an inhouse task force study of forest management in Wyoming in relation to the environment for the Teton, Bridger, Bighorn and Shoshone National Forests. It is implementing the approximately 60 Task Force recommendations.

COMMITTEE VIEWS

With the passage of the Multiple Use Sustained Yield Act of 1960 (Public Law 86–517), Congress in plain language laid out the policy "that the national forests are established and shall be administered for outdoor recreation, range, timber watershed, and wildlife and fish purposes." This Act also declares, "the purposes of this Act are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in the Act of June 4, 1897 (16 U.S.C. 475)." The latter refers only to water and timber. About timber it calls for management and protection of the National Forests to assure "a continuous supply of timber for the use and necessities of citizens of the United States."

In Sec. 4(a), the Act spells out "Multiple Use" to mean: "The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output."

It is obvious from the extensive testimony received by the Subcommittee on Public Lands during its five days of hearings in Washington on the clear-cutting issue, and three days of subsequent hearings in Georgia, Oregon and New York on proposed timber management legislation, that timber production has become a priority activity in Federal forest land management. Some construe this as out of step with the spirit and intent, if not the letter, of both the Multiple Use-Sustained Yield and the National Environmental Policy Act of 1969.

Some of its critics believe the Forest Service has been relatively slow and somewhat unresponsive to the awakening national concern about the impact of timber harvesting on other environmental values. Others believe the Forest Service has generally been way ahead of the Nation in consideration of the multiple values and benefits of the National Forests, as evidenced by its strong support of the Multiple Use-Sustained Yield Act of 1960.

Recent Forest Service changes in policy (and they have been numerous) were perhaps somewhat defensive responses to pressures of environmental groups, rather than from energetic Forest Service initiative.

As a consequence, the Service has had difficulty communicating effectively with its critics, and its image has suffered. Its numerous recent actions in the right direction are either unknown, not understood, or brushed aside. They have made little impact.

The hearings on clear-cutting, and the subsequent hearings on timber management proposals, have emphasized for the Subcommittee the extent to which the people of the United States cherish their great forests and timbered watersheds. Not only was extensive testimony received, but thousands of letters from throughout the Nation expressing interest in the future of our forests.

This has emphasized also that government agencies, before making timber management decisions, should increasingly make use of participatory public hearings and exchanges. Much criticism has been leveled at the government for its failure to consult with the interested and affected public before, rather than after, timber management decisions are made. The government needs to become more conscious of increased public interest and concern regarding the future handling of the public's natural resources, and to demonstrate its awareness that it is not the owner but the responsible manager of a public trust.

The Forest Service itself cogently expressed these ideas in its 1971 report on "Forest Management in Wyoming," the results of a study of timber harvest and the environment on the Teton, Bridger, Shoshone and Bighorn National Forests.

"The Forest Service must strive to increase public confidence and trust. This will not be achieved by rhetoric, but will require repeated demonstration that declarations for quality in management are actually appearing as physical accomplishment on the ground. Results of effective multiple use planning are beginning to show on the land in some places. The Forest Service should not expect, however, that confidence and trust will be strengthened quickly. Neither should the public expect that new management direction will appear instantly and completely in all activities. It is imperative however, that open communication be maintained between the Forest Service and the public and that statements and actions of every Forest Service employee meet the highest standards of professional competence."

The Committee fully recognizes that the Forest Service is not a free agent, that it must execute the policy and will of the Administration and the Congress, and that it has been subjected to ever-increasing pressures that have polarized it between the demands of the wilderness enthusiasts and environmentalists on the one hand, and the unrelenting demands for more timber products.

Congress may enact such statutes as the Multiple-Use Sustained Yield Act and the National Environmental Policy Act. But the Forest Service is left helpless, unless Congressional appropriations adequately implement these acts. If appropriations are keyed to timber receipts alone, which has sometimes seemed the criterion in the past, the Service inevitably will gravitate toward those activities which Congress is willing to finance. To its credit the Forest Service has repeatedly made the case for a balanced program to serve the total resource and its owners better, but the funds have not been forthcoming.

From 1954–70, the Forest Service received 66 percent of budget increases requested for timber sale administration, but only 20 percent of its requested increases for recreation and wildlife, 17 percent for reforestation, and 15 percent for soil and water management. In discussing the fiscal year 1972 budget request, the Chief testified before the Appropriations Committee that:

"The Forest Service cannot do the things that the President has directed us to do without more money and people. Our program is out of balance now. Over the past two or three years, we have increased the amount of money that we have for timber sale administration activities, but not by sufficient amounts to do the top quality job needed. We are not adequately financed in the other areas that need it."

Furthermore, Presidential budgets over the years consistently have reflected less than Forest Service needs for non-timber sale items.

To achieve desirable program balance the Forest Service is developing an Environmental Program for the future. The Agency explained that the program is being developed to give a basis for funding a balanced Forest Service program. Its objective is sound environmental management, balance between the commodity programs and non-commodity uses, and balance among all Forest Service activities such as timber production, forage management, outdoor recreation, watershed improvement, fish and wildlife habitat management, State and private cooperative forestry programs and forestry research.

The Committee urges prompt completion of this proposed program and its early submission to Congress. We also believe the Forest Service and the Bureau of Land Management have a primary responsibility to articulate the imbalance in their program efforts, and to take every possible step to right the imbalance. At the same time, this Congress has a duty and a continuing obligation, to monitor forestry programs, to assure existing imbalances are corrected, and to avoid them in the future.

The Council on Environmental Quality established its own study group to evaluate environmental impacts of clear-cutting and to examine silvicultural alternatives. The panel consisted of the deans or faculty members of five of the nation's leading forestry schools. A digest of the deans' reports was prepared by the Congressional Research Service of the Library of Congress and inserted in the Congressional Record of March 1, 1972, by Senator Hatfield.

"All the reports," a summary of the Digest said, "stressed the complexity of the problem, the need for changes in policy, and the need for continued resarch, but none recommended a complete ban on clear-cutting. Four recommended zoning or classification."

The Committee's attention during the hearings was directed by witnesses primarily to the National Forests. The Committee heard the Director of the Bureau of Land Management (Part 3, Rasmussen, pp. 936–946) and learned of a new environmentally-based allowable cut and forest management plan for the BLM timberlands in Western Oregon which was to be implemented on July 1, 1971.

NUTRIENT RECYCLING RESEARCH

Some witnesses expressed concern at the Committee's hearings that current timber harvesting practices are depleting basic soil nutrients at such a rate that we cannot rely on our forest lands to remain productive in perpetuity. Others discounted such assumptions by maintaining they were based on inadequate or non-existent scientific data. Everyone, however, including the Forest Service, agreed that additional research was desirable.

The Committee expects the Secretary of Agriculture to take necessary steps to accelerate all essential forestry research. He should cooperate in this effort with experts

in related fields who are not employed by the Forest Service. We view accelerated forestry research as vital to continuous improvement in the management of the National Forests and other Federal forest lands so that they will serve our generation and future Americans better.

HARVESTING GUIDELINES

As indicated in the foregoing the Committee became aware of two major problem areas relating to the selection and conduct of timber harvesting operations on Federal forest lands. First, certain areas have been selected for cutting which should not have been subjected to any activity relating to timber harvesting for any of a number of reasons. These were areas of special scenic values, fragile soils, or other limiting physiographic conditions, areas where adequate regeneration could not be assured, and areas where the costs of special measures to avoid environmental damage or assure regeneration were so high that the activity was imprudent and relatively uneconomic.

The second problem area relates to the manner in which harvesting operations are carried out. This involves selection of a harvesting method, the manner in which a sale is conducted to minimize or avoid environmental injury, and careful supervision and enforcement of environmental conditions in road building and timber sale contracts.

The Committee recognizes that the timber needs of the Nation are increasing at a rapid pace. The National Forests and other Federal forest lands will play a vital role in meeting those needs. Substantial testimony convinced us that measures to assure adequate timber supplies are essential if we are to house our people and serve other wood product needs at reasonable cost. The measures needed to help the Federal forests play their role must include intensified forest management practices such as reforestation, thinning, genetic improvement, salvage of dead timber, as well as the reforestation of nonstocked private forest lands.

Accordingly, the Subcommittee believes it is timely and important to suggest guidelines for the conduct of timber harvesting activity on Federal lands which will assure that the problem areas are eliminated while important national needs for timber are being met. In stating these guidelines the Subcommittee does not presume to substitute its judgments for that of qualified professionals who have on-the-ground knowledge and familiarity with local needs and conditions. However, we believe overall policy direction is essential to make Federal forestry administrators aware of the concern and support of the Congress for stronger consideration of environmental impacts in timber management decisions. We are also aware that the Forest Service and the Bureau of Land Management have taken a number of steps to improve their timber management practices. The guidelines set forth by this Subcommittee should serve to strengthen and supplement these ongoing actions.

Therefore, the Subcommittee believes timber management activities on Federal lands should be subject to the following policy guidelines:

*1. Allowable harvest levels*

a. Allowable harvest on Federal forest lands should be reviewed and adjusted periodically to assure that the lands on which they are based are available and suitable for timber production under these guidelines.

b. Increases in allowable harvests based on intensified management practices such as reforestation, thinning, tree improvement and the like should be made only upon demonstration that such practices justify increased allowable harvests, and there is assurance that such practices are satisfactorily funded for continuation to completion.

If planned intensive measures are inadequately funded and thus cannot be accomplished on schedule, allowable harvests should be reduced accordingly.

*2. Harvesting limitations*

Clear-cutting should not be used as a cutting method on Federal land areas where:

a. Soil, slope or other watershed conditions are fragile and subject to major injury.

b. There is no assurance that the area can be adequately restocked within five years after harvest.

c. Aesthetic values outweigh other considerations.

d. The method is preferred only because it will give the greatest dollar return or the greatest unit output.

*3. Clear-cutting should be used only where:*

a. It is determined to be silviculturally essential to accomplish the relevant forest management objectives.

b. The size of clear-cut blocks, patches or strips are kept at the minimum necessary to accomplish silvicultural and other multiple-use forest management objectives.

c. A multidisciplinary review has first been made of the potential environmental, biological, aesthetic, engineering and economic impacts on each sale area.

d. Clear-cut blocks, patches or strips are, in all cases, shaped and blended as much as possible with the natural terrain.

*4. Timber sale contracts*

Federal timber sale contracts should contain requirements to assure that all possible measures are taken to minimize or avoid adverse environmental impacts of timber harvesting, even if such measures result in lower net returns to the Treasury.

IN CONCLUSION

The Subcommittee recommends that the Federal Government take prompt action toward bolstering the confidence and support of the American people for our nation's forestry program. The considerable testimony before the Subcommittee and the studies that have been completed or are now under way illustrate the necessity for establishing a prudent policy for regulating clear-cutting on our forest lands.

It is the hope of the Subcommittee that the guidelines it has set forth will be quickly adopted and implemented by the Executive Branch.

APPENDIX: TIMBER MANAGEMENT STUDIES

I. MANAGEMENT PRACTICES ON THE BITTERROOT NATIONAL FOREST (MAY 1970)

1. *Authority.*—U.S. Forest Service, Northern Region and Intermountain Forest and Range Experiment Station.

2. *Period of Study.*—May 1969 to April 1970.

3. *Objective or Purpose of Study.*—To make an impartial evaluation of land and forest management practices on the Bitterroot National Forest.

4. *Major Findings or Conclusions.*—The Bitterroot National Forest needs to emphasize quality management and develop and execute satisfactory multiple-use plans. Balance in program execution is needed, but is dependent on funds and on manpower authority from a higher level. Clear-cutting is an acceptable practice, but shall not be prescribed where other feasible cutting methods will work.

5. *Current Action.*—During 1971, the Regional Forester issued revised management direction aimed at achieving a balanced resource program on the Bitterroot National Forest.

II. A UNIVERSITY VIEW OF THE FOREST SERVICE (NOVEMBER 1970)

1. *Authority.*—Review was requested by Senator Metcalf and carried out under leadership of Dr. Arnold Bolle, Dean, School of Forestry, University of Montana, Missoula, Montana.

2. *Period of Study.*—January 1970 to November 1970.

3. *Objective or Purpose of Study.*—To review the long range effects of clearcutting and the dominant role of timber production to the detriment of other uses on the Bitterroot National Forest.

4. *Major Findings and Conclusions.*—Multiple-use management does not exist as a governing principle on the Bitterroot National Forest and quality timber management and harvest practices are missing.

5. *Current Action.*—The Regional Forester in Missoula used the findings of this report in issuance of his revised management direction for the Bitterroot National Forest.

III. REPORT ON FOREST MANAGEMENT PRACTICES ON NATIONAL FOREST LANDS IN WEST VIRGINIA, (AUGUST 1, 1970)

1. *Authority.*—West Virginia Forest Management Practices Commission as authorized by Resolution 26, West Virginia State legislature.

2. *Period of Study.*—February 12, 1969 to August 1, 1970.

3. *Objective or Purpose of Study.*—To review the relationship of even and uneven-age management to multiple-use activities on the Monongahela National Forest.

4. *Major Findings and Conclusions.*—Although the Commission found disagreement between professional scientists regarding even and uneven-age management, the Committee felt that clearcutting and even-age management as a primary system of management is not compatible with multiple use. Fifteen recommendations were tendered the U.S. Forest Service through the West Virginia legislature.

5. *Current Action.*—The Forest Service has adopted in whole or in part 13 of the 15 Commission recommendations.

IV. QUALITY IN TIMBER MANAGEMENT—A CURRENT EVALUATION (JULY 1970)

1. *Authority.*—Review and report authorized by Regional Forester, USFS Northern Region, Missoula, Montana.

2. *Period of Study.*—March to July 1970.

3. *Objective or Purpose of Study.*—To review Northern Region timber sale programs for the elements or lack of quality in preparation and execution.

4. *Major Findings and Conclusions.*—This task force found that many of the details of timber sale and road development planning and execution needed clarifying and understanding in order to achieve quality timber harvest programs in the Northern Region.

5. *Current Action.*—The Regional Forester and staff developed an action plan dealing with 19 recommendations outlined in the report.

V. EVEN-AGE MANAGEMENT ON THE MONONGAHELA NATIONAL FOREST (JUNE 3, 1970)

1. *Authority.*—Forest Service Chief Edward P. Cliff by appointment of a Special Review Committee.

2. *Period of Study.*—March to June 1970.

3. *Objective or Purpose of Study.*—To examine the application of current and planned timber harvesting and other management practices on the Monongahela National Forest.

4. *Major Findings and Conclusions.*—The Committee found problems related to implementation of multiple-use policy. They found a high degree of misunderstanding about the ecological impacts of clearcutting and found that the execution of some planned timber activities needed improvement.

5. *Current Action.*—Through use of the West Virginia Forest Management Practice Commission Report and this Special Review Committee Report, the Regional Forester and the Monongahela Forest Supervisor have issued revised management direction aimed at correcting the deficiencies noted in these two reports.

VI. NATIONAL FOREST MANAGEMENT IN A QUALITY ENVIRONMENT—TIMBER PRODUCTIVITY (APRIL 1971)

1. *Authority.*—Forest Service Chief Edward P. Cliff through a multidiscipline team of top Forest Service scientists.

2. *Period of Study.*—July 1970 to April 1971.

3. *Objective or Purpose of Study.*—To make a national review of Forest Service timber management activities for the purpose of highlighting problem situations and developing corrective action where and when necessary.

4. *Major Findings and Conclusions.*—The multidiscipline team identified 30 problem areas related to silviculture, reforestation, esthetics, utilization, cutting methods, sustained yield, road development, logging, timber planning, personnel training, and research.

5. *Current Action.*—A Forest Service multidiscipline team is currently reviewing action necessary to resolve the identified problems.

VII. FOREST MANAGEMENT IN WYOMING (JULY 1971)

1. *Authority.*—Issued under authority of Regional Foresters in Denver and Ogden; study by a team of Forest Service scientists and land managers.

2. *Period of Study.*—July 1970 to July 1971.

3. *Objective and Purpose of Study.*—To review timber management practices on National Forests in Wyoming; namely, the Bighorn, Shoshone, Teton, and Bridger. The task force was instructed to explore fully the concerns and apprehensions of individuals and organizations in Wyoming regarding timber harvesting and to conduct this study in accordance with Section 102 of the National Environmental Policy Act of 1969.

4. *Major Findings and Conclusions.*—Multiple-use planning needs to be a team effort and the quality of such planning can be improved. Clearcutting is an acceptable practice but has been improperly used in Wyoming; size limit should be determined by resource values; and multiple-use plans should set for the determining factors basic to timber harvest alternatives.

5. *Current Action.*—Forest Service officials in the two National Forest Regions have accepted the findings, conclusions, and recommendations of the report and are preparing action plans to carry out such recommendations.

VII. STRATIFICATION OF FOREST LAND FOR TIMBER MANAGEMENT PLANNING ON THE WESTERN NATIONAL FORESTS (OCTOBER 1971)

1. *Authority.*—Under authority of Intermountain Forest and Range Experiment Station Director Robert V. Harris, Study by J. H. Wikstrom and S. Blair Hutcheson.

2. *Period of Study.*—Study conducted on six National Forests in the Western Regions during 1969, 1970, and 1971.

3. *Objective and Purpose of Study.*—To determine if existing techniques are appropriately measuring and classifying forest land for its timber productivity.

4. *Current Action.*—Regional Foresters in the West will use ideas regarding techniques for land classification determination from this study report.

IX. "DEANS REPORTS" (JULY 1971)

1. *Authority.*—Council on Environmental Quality (CEQ) requested five university forestry school deans to each prepare a report commenting on clear-cutting and related timber manaegment problems.

2. *Period of Study.*—The deans reports involve no field activity but were presented as professional papers.

3. *Objective and Purpose of Study.*—Council on Environmental Quality desired an independent characterization of clearcutting as a timber management practice.

4. *Major Findings and Conclusions.*—Each forestry school dean sees the practice of clearcutting as an acceptable forestry tool. Likewise, each dean recounted instances where clearcutting had been misapplied and presents detailed criteria for proper application.

5. *Current Action.*—The deans reports are being reviewed by various private and governmental organizations at this time.

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

Mr. CHURCH. I am happy to yield to my able colleague.

Mr. McCLURE. I thank my distinguished senior colleague for yielding. I appreciate the colloquy which has taken place between him and the chairman of the Committee on Public Works, the distinguished Senator from West Virginia.

I have been concerned about the implications of the language contained in the report, and I appreciate the fact that the meaning of that language has been more precisely defined by the colloquy.

I would join with my colleague from Idaho in the expression that the criteria developed by the Public Lands Subcommittee of the Committee on Interior and Insular Affairs, of which my distinguished colleague was chairman last year, has met the approval of the industry, of conservation groups, and of those people who are interested in our national forests.

As long as the criteria are followed, there is no need for a further limitation on the use of funds to build the forest access highways which are very badly needed, if we are going to meet the demands of the lumber markets in the country today. As we all know, lumber prices are skyrocketing as a result of demand which far outstrips supply. It is in every way essential, if we are going to meet the housing goals in this country with any kind of reasonable supply of lumber, that we continue to have a development access to public lands in national forests within the administration of the Bureau of Land Management in the western United States.

We are all concerned about the problem of clearcutting and that the practice be limited, as was carefully defined in the criteria published by the Public Lands Subcommittee. As long as the criteria are met, this provision has no application. The language is not directed toward that problem.

I have discussed the problem and the language with the distinguished chairman of the Public Works Committee, and I know how strong his feelings are concerning the management practices on the Monongahela National Forest in his State. I know it is that concern which led to this language, not the broader concern of all forest lands in the United States.

He is concerned, as he expressed in what he said about clearcutting practices, that they be carefully supervised. I am also sure that both my colleague from Idaho and I are among those who will continue to scrutinize the practices as they are applied among the public lands of the West.

Mr. RANDOLPH. Mr. President, I thank the able Senator from Idaho (Mr. McCLURE) for his comments. The Senator from Idaho is a diligent and helpful member of our Committee on Public Works.

Mr. RANDOLPH. Mr. President, there is no one in this body who has greater appreciation of the value of adequate airports and access to airports than the Senator from West Virginia. No Member of this body believes more than I do in the development in an orderly way of mobility to serve the people of Washington, D.C. and, yes, the people of the United States of America.

But we have in this bill a demonstration project which has to do with a need, which is great, for the development of better access to a federally owned airport, Dulles International Airport.

What the Senator from Maryland seeks to do is to bring in another airport and then we would bring in still another airport. Let us say that there is merit to the other airports. Let us realize, however, that those airports are not owned by the Federal Government.

So let the State of Maryland move into a demonstration project to meet the needs there. Let the counties involved move into a demonstration project. But do not ask the Senate to move here with another $10 million, because this could eventually be many, many projects of $10 million each.

Frankly, I think the amendment, offered in good faith, is ill-advised and should be defeated.

Mr. MATHIAS. Mr. President, I would just like, before the Senate comes to a final conclusion on this matter, to try to put the problem into a reasonable perspective.

It is true, as the very distinguished chairman of the committee has stated, that this is a Government project from start to finish. It is a Government project from beginning to end. The people of the United States have paid millions of dollars for the construction of Dulles Airport, a facility of which every citizen can be proud, just as the people of the United States through their tax dollars have paid millions of dollars for the National Airport. But, Mr. President, ownership alone is not the only consideration here. I think that we have to look at the longer range interests of the American people. The longer range interests of the American people, as I see the future of aviation, and I would hesitate to put my judgment on the future of aviation ahead of that of the distinguished chairman of the committee who in his distinguished career has had the opportunity to be a part of the growing development of the American aviation industry— would be that with American aviation growing at the rate at which it is now growing, where within the last decade we reached a position that now 25 percent of the American people have been air travelers whereas 10 years ago only 5 percent were air travelers, if we project a curve into the future, we will have an even larger percentage of the public traveling by air, where even the facilities, as vast and as huge as Dulles International, may become overcrowded and where we will be looking for a great-

er kind of effort to transport people not only from airport to airport but also from city to airport.

I would ask that the chairman of the committee might hear me out on this, that it is not really a fair demonstration project to talk about running some sort of test along a federally owned dual highway, where the land is owned by the Government, and is a kind of cream puff situation, because we have not really got the kind of test which will, as my colleague from Maryland pointed out, help us to serve the needs not just of the airport but also of the people. If we tie this into a metropolitan situation, then we have a sort of comprehensive demonstration project, we have a project which not only runs out along the lovely scenic parkway with the Federal Government as owner, because it has built and controls the land, but we have it where it runs through some real-life situations.

There is a further aspect of this which I think the Senate would judge as being worthy of some consideration. Monopoly has never been a popular thing in America. Monopoly is not a nice word. Monopoly is not something which the Federal Government encourages as a normal thing. Yet, look at the Dulles airport situation. If a foreign airline wants to enter the United States, to land somewhere in the National Capital area, whom do they go to for permission to enter the United States? They go to the State Department. And where does the State Department tell them they can land if they come in? At Dulles.

To whom does an airline making arrangements for domestic flights go to talk? To the Federal Government. What is the Federal Government? It is the landlord at both National and Dulles.

I share the distinguished chairman's concern that a test project can expand beyond the demonstration stage, get out of what our friends in industry sometimes call the research status, and become production; but I do not think that is likely to happen in this case, because we are talking about a demonstration project within the National Capital area.

As a Member of the Senate told me within the last few minutes, the toughest trip for an American traveler to take within the United States is to get from Dulles to Friendship or Friendship to Dulles, if that is the kind of airline transfer one has to make. It is a unified regional transportation problem.

I think my distinguished colleague from Maryland has made a reasonable suggestion, a modest suggestion, one which is fair from the point of view of the Federal Government, as both the regular authority, the sovereign, and as the landlord, and one which will not be expanded for test or demonstration purposes beyond the scope of the suggestion which is made in this proposal.

Mr. RANDOLPH. Mr. President, if we continue to discuss the subject, I shall continue to speak; yet, I hope we can bring this matter to a conclusion.

I say to the Senators from Maryland that I doubt they realize what we did in the Federal-Aid Highway Act of 1970. We authorized $65 million to reconstruct the Washington-Baltimore Parkway. Both Senators, who have indicated that apparently there is no interest in the road between Washington and Friendship Airport, should know what we have done.

I read from Public Law 91–605, on page 26, under the heading "Baltimore-Washington Parkway":

SEC. 146. (a) There is authorized to be appropriated to the Secretary of Transportation, out of the Highway Trust Fund, not to exceed $65,000,000 for reconstructing to six lanes the section of the Baltimore-Washington Parkway in the State of Maryland under the jurisdiction of the Secretary of the Interior to the geometric and construction standards for the National System of Interstate and Defense Highways.

(b) No funds authorized by this section shall be expended until the Secretary of Transportation, the Secretary of the Interior, and the State highway department of the State of Maryland shall enter into an agreement that—

(1) upon completion of reconstruction the Secretary of the Interior will convey without monetary consideration such section of such parkway to the State of Maryland, and

(2) the State of Maryland shall put such section of the Parkway on the Federal-aid primary system prior to expenditure of funds authorized by this section, and for such purpose the mileage limitation on such system in such State imposed by section 103(b) of title 23, United States Code, is hereby waived, and such State shall thereafter retain such section on such system.

This is what we did for the parkway between the Nation's Capital and the city of Baltimore and, of course, that parkway is only 2 miles distant from Friendship Airport.

There is no lack of consideration of this parkway.

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

Mr. RANDOLPH. I yield first to the Senator from Virginia.

Mr. SCOTT of Virginia. I thank the Senator.

I should like to respond very briefly to the statement of the Senator from Maryland about the cream puff we have at Dulles Airport, the Federal ownership of the parkway, and the Federal ownership of the airport.

This is what I have been saying. We have two different situations. But when the Senator talks about monopoly and suggests that that exists at Dulles International Airport, by the admission of his colleague from Maryland there were only two and a half million flights last year from Dulles and 2.8 million flights from Friendship. Friendship has more flights than Dulles, so there is no monopoly. In fact, Dulles is so much underutilized that it is utilized only to about one-third of its capacity.

I think a very fallacious argument has been made, and I share the comment of the distinguished chairman of the committee that we not prolong this argument and that we get to a vote, and I urge that the amendment be defeated.

Mr. BEALL. Mr. President, I do not want to prolong this discussion, but I should like to clear up the record with regard to the remarks of the distinguished chairman of the committee concerning the Baltimore-Washington Expressway and $65 million that supposedly was given to the State of Maryland.

We are very grateful that the Federal Government spends money at any time in any of our States, but it should be pointed out that the $65 million to which the Senator alludes is to be spent on that portion of the highway that belongs right now to the Federal Government, that half of the highway which is controlled by the Secretary of the Interior; and the $65 million is being spent to bring this road up to interstate standards.

The Federal Government had asked Maryland to please take this highway off its hands because it did not want to be in the highway business. Maryland said, "We will be happy to do so, and we will bring our half of the highway up to interstate standards at our expense, in the ratios described in the law; but first we ask that you give us the money to bring your half up to interstate standards, also."

I do not want the RECORD to indicate that Maryland was getting some degree of largesse from the Federal Government, because what this $65 million is going to do is just bring the portion that the Federal Government now owns up to the preexisting Federal standards when Maryland takes title to the road.

I think that is one of the reasons why our amendment is of particular significance, because the Federal Government is spending $65 million out here before turning the road over to Maryland. Maryland is going to bring its half of the highway up to interstate standards; and it would be a simple job, while this money is being spent, to provide the kind of demonstration project called for in my amendment, because we would not have to start from scratch.

Construction already is going on, and the feasibility can be demonstrated of having high-speed bus transportation carry passengers not from a city to an airport but from a city past an airport to another city; and rather than serve 2.3 million people who travel to Dulles, 5.3 million people in the whole metropolitan area would be served.

I am ready to vote.

Mr. RANDOLPH. It would be a very simple job, as the Senator has indicated, to provide the $10 million; but in this case the equity is not shown, and the amendment should be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland (putting the question).

The amendment was rejected.

Mr. RIBICOFF. Mr. President, on behalf of Senator WEICKER and myself, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

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

On page 127, line , insert the following: after the last section of Title I add the following new section:

"Section 109 of Title 23, United States Code is amended by adding at the end thereof the following subsection:

"(k) The Secretary shall not approve any project under this title which would significantly affect the highway system of a contiguous state without the concurrence of that State."

Mr. RIBICOFF. Mr. President, this amendment which is cosponsored by the distinguished junior Senator from Connecticut (Mr. WEICKER) would require that the Secretary of Transportation shall not approve any project which would significantly affect the highway system of a contiguous State without the concurrence of that State.

For years highway planners have schemed to bridge the sound. Possible sites have included bridges from the tip of Long Island to New London or Old Saybrook, from Bridgeport, Conn., to Port Jefferson, L.I., and from Rye to Oyster Bay. Because a Rhode Island crossing was impractical and Connecticut officials opposed the entire concept, New York finally decided to go ahead on its own and in 1967 the State legislature authorized a bridge. Since then the initial enthusiasm in New York has waned and in 1971 and 1972 the legislature repealed the 1967 authorization. Each time, however, Governor Rockefeller vetoed the repeal. This year another attempt will be made.

At the moment the New York Metropolitan Transportation Authority is going ahead with plans to construct a 16½ mile, $135 million bridge between Rye and Oyster Bay.

On February 13, 1973, however, in a suit filed by the city of Rye, N.Y., and others, a U.S. district judge enjoined the New York Department of Transportation and the MTA from conducting further hearings until more information is made available to the public and the views of Federal, State, and local agencies and private groups have been heard.

The proposed structure will have an immense impact not only on New York, but on the entire Long Island Sound region. Because its northern end is located only a few miles from the Connecticut border, this bridge will funnel millions of cars and trucks onto the already overcrowded Connecticut Turnpike and Merritt Parkway. No one knows exactly how great the increase will be, but the MTA's own environmental impact statement estimated that the bridge will handle 33 million cars per year—half of which would be overflow traffic from other New York bridges and half of which would be newly created.

Because the MTA has kept important information from the public, it is difficult to predict what impact the bridge will have on the local ecology. It is, however, safe to say that 16½ miles of concrete pillars and roadways will not help the sound.

The bridge will average 25 feet over the water with two raised spans of 55 feet and 135 feet at the north and south ends, respectively, creating chaos among the boats and ships now using Long Island Sound by channeling them into two narrow passages.

Other facts are clear—the noise will increase, the sound's water quality will deteriorate, the air will grow dirtier, and valuable wetlands at both ends will disappear.

The question is who wants it built? Connecticut does not want it.

The Southwestern Connecticut Regional Planning Agency which is comprised of the towns of Wilton, Westport, Norwalk, Darien, New Canaan, and Stamford, has voted unanimously to oppose its construction.

The Nassau, New York County Board of Supervisors unanimously adopted a resolution opposing it.

The entire Nassau County Republican delegation to the New York State Legislature opposed it.

The councils of the New York towns and villages of Rye, Tarrytown, Mamaroneck, Oyster Bay, Bayville, Mill Neck, and Lattington oppose it.

The Westchester County, New York Board of Legislators have asked that the project be suspended.

Despite this overwhelming opposition, the New York MTA, which does not answer to the public, intends to forge ahead. It will finance the bridge itself by a bond issue, but will need Federal highway funds to construct the necessary approach roads.

I do not believe that a single Federal dollar should be spent on this project until the people of Connecticut, have given their approval.

This bridge is going to have a major and unknown impact on the daily lives of millions of Connecticut citizens. Yet for all intents and purposes they have had no voice in any of the recent decisions regarding the structure. This amendment will allow them to be heard.

I have discussed the amendment with the distinguished managers of the bill, and they have indicated they would take the amendment.

Mr. BENTSEN. Mr. President, the floor manager of the bill, the Senator from Texas, has no objection to the amendment and is willing to take it.

Mr. RIBICOFF. Mr. President, I ask unanimous consent to have printed in the RECORD certain exhibits at this point.

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

[From the New York Times, Feb. 7, 1972]

THE UN-SOUND BRIDGE

New York State, pleading poverty every hour on the hour, has now been urged by official consultants to build a six-mile bridge across Long Island Sound at a cost that could easily reach as high as $235 million. The state, which once before came extremely close to sanctioning this long-standing dream of Robert Moses, should have no difficulty now in rejecting the advice of the consulting firm hired by its Department of Transportation—if only on the ground of the projects low social priority. But, with Governor Rockefeller enthusiastically committed to it, the sole hope for averting this folly lies with the Legislature.

Fortunately, the hope is not an idle one. Last year a bill to rescind the Legislature's own earlier authorization of the bridge was overwhelmingly passed by both houses, only to be vetoed by the Governor. Republican legislators from the respective bridgehead sites—Oyster Bay in Nassau County and Rye in Westchester—intend to make another effort to head off the project, which neither community sees as the boon the consultants suggest.

The bridge's protagonists view it primarily as a vital contribution to the economic growth of the metropolitan region, but an exorbitant price would have to be paid for whatever vague and uncertain gains it might bring in reduced traffic congestion, new jobs or lower trucking costs. More important than the additional bonded indebtedness would be the swift deterioration of the areas on both sides of the bridge: relatively quiet communities turned into fume-choked traffic conduits; houses destroyed; boating seriously affected by the quickening of currents, sand build-ups and other changes caused by the bridge; additional noise and a new eyesore on the horizon—in spite of Mr. Moses' vision of the span as "a gossamer thread over an arm of the sea." And beyond all these, a direct threat to extensive stretches of shoreline, mudflat and marsh, with all that they mean to the wildlife and the good life of the region.

Just what does "economic growth" mean in this context? What advantages can it bring to the people of Long Island and Westchester that might outweigh the beauty and tranquillity it will have destroyed? The Governor should find answers to such questions before proceeding with so obvious an example of growth without gain.

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CITY OF STAMFORD, CONN.,
*January 11, 1973.*

To: Planning Board; Board of Representatives; Harbormaster, John Sheriden; Rock-Ridge Civic Association; Mid-Ridge Civic Association; Northeast Civic Association; Rippowam New Neighborhood Association; Lakewood Park Association; Shippan Point Association; Burwood Heights; Davenport Drive Association; Lawn View Park; Hidden Brook Association; Glenbrook Association; Courtland Terrace; Merritt Ridges; Revonah Neighborhood Association; East Side Taxpayers; Stillwater Association; Cona; Springdale-Belltown-Newfield Association; Stamford Power Squadron; Yacht Racing Association; and All Concerned Yacht Clubs.

I am enclosing a Position Paper on the Rye-Oyster Bay Bridge. It is my strong feeling that this bridge would be a mistake for the region and be detrimental to the best interests of our State in general, and Stamford and vicinity in particular. You may want to consider endorsing my stand and I would be pleased to discuss it with you if you wish. To present the other side of the picture, I have a 318 page document prepared by the Federal Highway Administration, the New York State Department of Transportation and the Metropolitan Transportation Authority taking the contrary position. You may have this if you wish to make your own analysis and draw your own conclusions. I only have one copy, but would be glad to pass it around.

The Southwestern Regional Planning Association has already taken a unanimous stand against this bridge as has the Stamford Conservation Commission, but it will need all the resources we can muster to defeat the proposal because New York State is determined to push it through.

The Public Hearings have been postponed for the present and will be announced as

soon as we receive word. In the meantime, written testimony should be sent to Dr. William J. Ronan, Chairman Metropolitan Transportation Authority, 1700 Broadway, New York 10019.

Cordially,

JULIUS M. WILENSKY,
*Mayor.*

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POSITION PAPER BY MAYOR JULIUS M. WILENSKY IN OPPOSITION TO RYE-OYSTER BAY BRIDGE—JANUARY 11, 1973

TRAFFIC CONSIDERATIONS

According to the impact statement, 36% of the traffic on the bridge will originate or be destined for points in Connecticut and New England, most of it using the Connecticut Turnpike and Merritt Parkway. Of this 36% bridge traffic thrust onto the Connecticut Turnpike and Merritt Parkway, 28% will have destinations beyond Fairfield County.

The Connecticut Turnpike is overcrowded beyond capacity during peak hours now. We have dangerous daily backups at Exits 3, 5, and 6 westbound in Greenwich and Stamford in the morning hours. Exit 8 eastbound in Stamford frequently backs up westward to the railroad station in the evening. I can see it out my office window, a very dangerous condition. Construction now underway in Stamford will result in very heavy traffic at Exit 7, both east and westbound. Most evenings traffic crawls through Stamford both directions, and it's just as bad at other points in Fairfield County.

The report speaks of expensive improvements to let the extra traffic flow off the bridge in Westchester County. Where will Connecticut get the money to widen its roads, and how can it be done in areas like Stamford, built tightly up to the pike?

This bridge will not relieve the Long Island Expressway and the Connecticut Turnpike of truck traffic, but there is an existing way to accomplish relief. A Riverhead potato farmer can ship rapidly to Bridgeport by Piggyback rail via the Hell Gate Bridge. This mode should be encouraged, to provide relief for our highways, but this bridge will result in a further decline of rail freight on Long Island and Connecticut. One of Tri State's goals should be improvement of rail freight service all over our burgeoning region.

The impact takes note of this worthy goal (page 242) but makes no real response to the suggestion.

If the money and manpower needed to build the bridge could be used to close some gaps and increase some clearances in our under-utilized rail freight system in the northern and eastern portions of our Tri-State Region, we can relieve our highways of the stream of truck traffic now clogging them. Long haul freight shipments into and out of our region must be made feasible and economical. To ship west or south by rail from Stamford or Bridgeport, or Riverhead now, the routing is north nearly to Albany before we cross the Hudson River. You see piggyback trains all over the country. Our region needs this worse than anywhere.

This bridge will introduce an even greater imbalance into a transportation system for the Tri-State region (particularly Long Island and Connecticut) that is now grossly imbalanced in favor of highway truck freight.

DEMOGRAPHIC CONSIDERATIONS

Our huge Tri-State Region consists of many sub-regions. No less an authority than Louis Mumford described Long Island as a good example of a planned region. Manhattan might be considered a core, with Long Island people commuting to work there from Brooklyn, Queens, Nassau, and even Suffolk. Brooklyn and sections of Queens have a ring of heavy industry, then dense population in high-rise apartments. This gives way to lesser density in garden apartments and single family homes as you go eastward, in Queens and Nassau, with some job centers and sub-regional shopping centers. Despite in influx of hundreds of thousands of people into Suffolk County during the last 10 years, much of it remains primarily less densely populated, including farms and fishing, many charming villages.

The impact of this bridge will be rapid development of Suffolk County, the engulfment of the countryside and development of the same kinds of traffic jams which now make it impractical to drive westward off Long Island. The Long Island Expressway relieved no traffic jams—it created worse ones. Nothing is gained by densely populating the entire island. This benefits land speculators and developers, but it is poor planning to cause major congestion and its attendant problems. Must we wipe out every blade of grass?

Long Island and Connecticut both rank among the most densely populated places in the country. An alternate would be to channel growth westward and northward, where deer still roam less than 50 miles from New York, and where the land is not hemmed in by the ocean. Will construction of this bridge touch off pressure for another bridge further east as Suffolk develops? And another, and another? Let's plan ahead.

RESIDENTIAL, RECREATIONAL, CONSERVATION, AND ECOLOGICAL CONSIDERATIONS

The proposed bridge does violence to both the ecology and the beauty of two lovely areas, Rye and Oyster Bay. It seems difficult to understand how anyone could seriously propose vaulting a bridge into the midst of the beautiful landscapes at Manursing Island at Rye and Mill Neck in Oyster Bay. The bridge proponents have no feeling for the importance of preserving the aesthetics of the best man has been able to accomplish with what God wrought. If indeed they are fully aware of the effect of their proposal, then they have no soul for beauty.

The bridge will destroy the residential and recreational lovely shores of Manursing Island and Port Chester Harbor. Besides the peaceful and quiet residences, there is an excellent marina adjacent to Kirby Pond and the Westchester Country Club's Beach at Manursing Island. It will also destroy the extensive marshy wildlife preserve adjacent to Kirby Pond, Playland Lake, and Manursing Island Creek. What price progress? Of what avail are the Wetland Laws fought for so persistently by conservationists and ecologists if our governments are to cavalierly violate their spirit and intent for the doubtful convenience of dumping more traffic onto already overloaded highway systems? Whichever of the four Westchester alternate approach Routes is used will seriously downgrade some recreational, residential, and ecological aspects of the Westchester shore.

The effect on Bayville and Mill Neck is even worse if degree of abhorrence is possible to express. One beach or another at Oak Neck or Pine Island will be victim to the bridge. Either the Town Beach and landing in Mill Neck Creek or the Oyster docks will go. What of the effect on the heavy use of Mill Neck Creek as a mooring area for pleasure boats, or the effect on the increasingly good oyster sets in Oyster Bay? The extensive marshes around Oak Neck Creek, Mill Neck Creek, and Beaver Lake are a wildfowl paradise. Osprey, an endangered specie, nest there, and I have seen snowy egrets and many other species that would delight any naturalist, including Teddy Roosevelt who lived on Cove Neck, across Oyster Bay Harbor. All three Nassau Alternative Approach Routes converge on Mill Neck to the certain desecration of the beautiful homes set above its east shore.

Even if this bridge would solve more traffic problems than it will create, even if it wouldn't result in the development of highest density in an area which should remain low density, blocked off from egress as it is, conservation, recreation, residential, and ecological factors must be considered.

The impact report is 300 pages of pure pollyanna when it comes to environmental considerations. Rain will wash oil off the roadway they acknowledge, but this shouldn't hurt the ecology of the marsh, nor will salt, sand, dirt, hydrocarbons emitted by diesel trucks and gasoline autos they say. It seems to me we've been down that path before. Wishing won't make it so. We've seen destruction of wildlife refuges by gobbling them up for highways and bridges. The damaging environmental effect of the steady sustained roar of trucks is never mentioned.

EFFECT ON MARINE TRAFFIC

Long Island Sound is our region's greatest asset, not to mention a highway for much of our coal, oil, building and construction materials, and freight from the world's ports.

15 million people live within a day's outing of the Sound, to spend time on our beaches, or fish, sail, cruise, water ski, swim or just mess around in small boats. The activity is a joy to behold or participate in six or seven months of the year.

Whether you take the Coast Guard's estimate of 250,000 registered boats berthed around the Sound, or my publishers' more conservative estimate of 150,000, or Creighton, Hamburg's low estimate of 85,000 registered boats plus 50,000 to 70,000 unregistered day sailers and other small craft, consider what this bridge does to sailboats. It erects a Chinese wall, dividing the Sound into two separate bodies of water, at a point of its greatest boating population. Two thirds of the entire length of the Bayville-Rye crossing will consist of a low slung causeway with only 25 ft. clearance above highwater. The MTA's own estimate is that this isn't high enough to permit safe passage of sailboats more than 16 ft. long.

The 3° rises and falls in the roadway permit two underpasses, one with 55 ft. vertical clearance near the Rye shore, the other with 135 ft. vertical clearance near the Bayville shore. This force sailboats to converge on one or the other of these passages. Remember these are all low powered vessels with limited maneuverability under sail or power. The great risk of collision makes me shudder to contemplate. Pandemonium under the pass!

Now consider the 1300 tons of coal a day barged to the Norwalk Powerhouse from unloading points west of New York, and oil tankered from New Jersey to storage tanks up the Byram River, Greenwich, Stamford, Stratford, and many other ports, as well as sand, gravel, scrap iron and all kinds of goods moving up and down our Sound to the tune of over 30,000 vessels a day making passages under that bridge in 1971, an average of one every 20 minutes the year round. Consider poor visibility and night traffic, and the added hazard of sailboat traffic trying to use the same passes. Aggravated pandemonium at the pass, and danger of collisions, sinkings, loss of life.

Many of the commercial boats are big enough so they won't come off second best if they collide with the causeway, as has been evidenced by experience with the Chespeake Bay Bridge-Tunnel. This bridge is certain to be closed for repairs. And what will happen to a tanker who hits an abutment? Only a few days ago a tanker had a major spill in the East River when she struck a reef off Welfare Island in poor visibility, reportedly because the Astoria light was put out by vandals. Ask any tugboat tanker or freighter skipper what he thinks of this bridge. Don't ask sailboat skippers because their answer will be unprintable.

The plus in this bridge is relief of traffic

at Throgs Neck bridge and the "opening up" of Suffolk County. Consider the minuses I've outlined, environmental factors, creation of more traffic bottlenecks, ruination of two lovely towns, demographic, ecological, residential, recreational, conservative, and marine traffic considerations. As planners we must consider the damage to our region, and reject this monstrous suggestion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Texas yield for a question?

Mr. BENTSEN. I yield.

Mr. ROBERT C. BYRD. Mr President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, the hour is getting late. I wonder if we might be able to determine how many amendments remain and whether or not we might reach a time agreement on such remaining amendments. If the Senate completes its business on this bill today there will be no session tomorrow. Could we have some indication at this time?

Mr. DOLE. I have an amendment. It will not take long.

Mr. DOMENICI. I have an amendment that will not take more than 5 minutes.

Mr. ROBERT C. BYRD. Does the Senator from Arizona have an amendment?

Mr. FANNIN. I do have an amendment.

Mr. ROBERT C. BYRD. Would the Senator indicate what kind of time limitation would be agreeable?

Mr. FANNIN. I am hopeful that the distinguished manager of the bill will accept the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask this question. Would it be possible to impose a time limitation on any further amendments at this time of 20 minutes, to be equally divided?

Mr. WEICKER. Mr. President, I have an amendment at the desk. I am willing to agree to a time limitation of 5 minutes.

Mr. McCLURE. Mr. President, I may offer an amendment or I may withhold it.

Mr. ROBERT C. BYRD. Would the Senator be willing to agree to a time limitation on his amendment if it is offered?

Mr. McCLURE. Of course.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on each of any remaining amendments there be a time limitation of not to exceed 20 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill.

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

Mr. ROBERT C. BYRD. I thank all Senators.

Mr. SCOTT of Virginia. Mr. President, section 152 of S. 502, the Federal-aid Highway Act of 1973 which will be approved by the Senate today, is of great interest to the citizens of Virginia. When the 93d Congress convened, I asked to be assigned to the Committee on Public Works. One reason was my interest in transportation, and particularly in the prompt completion of I–66 from the beltway into Washington.

For this reason, I was glad to be assigned to the Senate Committee on Public Works and asked to serve on the Roads Subcommittee—now the Transportation Subcommittee. At our organizational meeting on January 18, as members of the committee will recall, I discussed my interest in the prompt completion of I–66. Further, on the opening day of hearings on this bill on February 7, I expressed an interest in the immediate construction of I–66 to Secretary of Transportation Brinegar—as I had done in former years with Secretary Volpe, and in fact with President Nixon.

Section 152 of the pending bill is one which I offered in the full committee, following a preliminary discussion when the subcommittee was considering the bill. It represents an approach to the problem which I developed with the assistance of the chairman of the committee (Mr. RANDOLPH) and the ranking minority member (Mr. BAKER)—one which we agreed would not conflict with either the requirements of the National Environmental Protection Act or the section 4(f) parkland procedures of the Department of Transportation Act. It is carefully designed not to affect any court action, but simply to insure that the administrative requirements and determinations which must precede construction take place in an orderly and expeditious manner, so that further unnecessary delay does not occur.

Interstate 66 is an integral part of our overall balanced transportation system in the area, and an important link in moving the suburban commuter and the visitor in and out of our Nation's Capital.

My amendment will set a precise schedule for the Secretary of Transportation to follow in completing an environmental impact statement, making the determination on parklands required by law, holding public hearings on I–66 design and location, and completing all determinations necessary prior to construction.

When a matter has been under construction for 17 years and the road still is not built, then it seems reasonable to me that some dates for administrative action should be taken so that the highway can be constructed. I–66 was one of the routes included in the original nationwide system of interstate and defense highways designated in 1956. Hearings were first held in 1958 and most of the necessary right of way has been acquired and cleared, including acquisition of the Washington and Old Dominion Railroad property.

I believe the 9-mile stretch of I–66 from the Capital Beltway to the Theodore Roosevelt Bridge, can be a model for the Nation as a major urban highway. I am pleased that the Virginia Legislature approved a proposal to extend the Metro transit system along the I–66 median strip. Extension of the Metro system and and construction of this portion of I–66 in Arlington County go together, and should proceed as quickly as possible so we will have a balanced and efficient way for the suburban commuter and visitors from throughout the country to get in and out of our National Capitol.

Mr. President, I ask unanimous consent that there be included at this point in the RECORD a brief history of I–66 and also the explanation of section 152 which appears on pages 23 and 24 in the committee report.

I am pleased that the Committee on Public Works adopted this proposal, urge the Senate to approve S. 502 including section 152, and hope very much that the provision will be accepted also by the House of Representatives.

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

HISTORY OF INTERSTATE ROUTE I–66 IN ARLINGTON AND FAIRFAX COUNTIES

I–66, Virginia from Capital Beltway, I–495, to Theodore Roosevelt Bridge.

Interstate 66 was one of the routes included in the original nationwide system of Interstate and Defense highways designated in 1956. It is planned to extend 75 miles, from a connection with I–81 near Strasburg to the Virginia-District of Columbia line, crossing the Potomac River into Washington on the Theodore Roosevelt Memorial Bridge, which was opened in 1964. About 25 miles of I–66 have been built, and are in use by motorists.

A public hearing on the segment between the Capital Beltway (I–495) and the connection with the Theodore Roosevelt Bridge was held October 29, 1956, in the Kenmore Junior High School in Arlington. At that time, State and Federal law required only one public hearing on a proposed project, and it dealt primarily with the location.

In studying the location for the route, the highway department was assisted by the consulting engineering firm of Howard, Needles, Tammen and Bergendorf of New York City, and worked closely with the Arlington and Fairfax County governments, as well as the Federal Highway Administration.

Four possible locations were presented at the October 1958 hearing. Of these, Line "A," which generally follows the Bluemont Drive-Fairfax Drive corridor, was most strongly favored by the county and the county itself employed a consultant who recommended that this route be adopted.

The State Highway Commission subsequently approved the route requested by the Arlington County on February 19, 1959. It was approved by the Bureau of Public Roads on June 26, 1959.

Preparation of plans began immediately, and right-of-way acquisition was started 2 years later.

Three major factors subsequently led to delays in actual construction.

First, the acquisition of the Washington and Old Dominion Railroad property for use as part of the I–66 right-of-way was a time-consuming undertaking. The railroad's petition to abandon its operations was strongly opposed by some in Arlington County, and had to await approval by both the State Corporation Commission and the Interstate Commerce Commission. This was not settled until the mid-1960's. Utilization of the former railroad right-of-way for the highway was considered desirable, since it would materially assist in minimizing disruption of other land uses.

Second, plans were developed with the Washington Metropoitan Area Transit Authority (WMATA) to accommodate the urgenty needed rail rapid transit system, and both the WMATA and the highway department wanted to explore prospects for joint land use.

In 1965, WMATA was granted a 2-year

option to decide whether to place its rail lines and passenger station facilities in the I–66 median between Glebe Road and the Capital Beltway. This option was later extended, and the two agencies at present are coordinating plans to provide this dual use of the right-of-way. Completion of I–66 planning in Arlington had to be deferred until this matter was settled.

Third, there have been continuing uncertainties about the location of the proposed Interstate 266 spur because of its connection with the District of Columbia's Three Sisters Bridge across the Potomac. Location and design of the spur and bridge have a bearing on design features of I–66.

Through the years, however, every traffic study made by the highway department, by the Arlington County government, by the WMATA and the National Capital Region Transportation Planning Board have supported the need for I–66.

An official of the WMATA spoke at one of the State's recent public hearings in favor of the highway construction, citing the need for both the rail line and highway to provide the Washington area with a balanced transportation system.

The Transportation Planning Board has reported that even assuming the rail rapid transit system will be fully constructed and operational in 1976, there will be 22 percent more auto travel to work in 1976 than there was in 1966 for travel movements served by I–66. The Board pointed out that this increase is only for work travel, and that increases in shopping, personal business, social-recreation and truck travel will be larger.

The evidence is overwhelming that I–66 in Arlington County must be built if that area's transportation needs are to be met in the years immediately ahead.

Since approval of the I–66 location in Arlington, more than $30 million in Federal and State funds have been spent for right-of-way acquisition and plan development. Much of the right-of-way has been cleared of rather unattractive industrial buildings, and has been graded and seeded in an attempt to make it a more attractive neighbor while awaiting construction.

Also, many private homes have been demolished and occupants relocated. Over 95 percent of right-of-way is acquired and cleared. Relocating the route will disturb other people and businesses.

This approved location was endorsed by the Transportation Planning Board of the Metropolitan Washington Council of Governments as late as May 1970.

The highway department is aware of the obvious necessity for careful environmental planning, and has employed probably the finest environmental consultant in the United States to help with design and construction of the highway. He is John O. Simonds of Pittsburg, a past president of the American Society of Landscape Architects, and he has been asked for recommendations on all aspects of the environment—including air pollution, noise abatement, fumes, safety, planting, relation of the road generally to the community.

There is a splendid opportunity here to develop I–66 in many respects as a model of urban highway construction. The opportunity is not taken lightly. Consideration is being given development of hiking and hiking trails.

Federal procedures now require a public hearing on the design of proposed highways, as well as on location decisions, and consequently the Highway Commission held a design hearing at Washington-Lee High School in Arlington on September 29, 1970, for the section from Rosslyn to Glebe Road. Because of the large number of citizens wishing to speak on the project, and at the request of the Arlington County Board, this hearing was continued on December 7, 8 and 9.

After the design public hearing on September 29, 1970, and continued on December 7, 9 and 9, the Arlington Coalition on Transportation (ACT) filed suit in U.S. District Court to stop the construction of I–66.

ACT contended that a new location public hearing must be held before further action can be taken. The plaintiffs said that the 1958 hearing had not considered the economic and social effects of the highway location and its impact on the environment; that the Secretary of Transportation has violated Section 4(f) of the Department of Transportation Act.

In October 1971, the District Court dismissed the suit filed by ACT, basing its ruling on the fact that location and design approvals had been granted prior to the effective dates for application of the various laws and guidelines cited by ACT. The court said "there is no justification or legal requirement for further delay in completing construction of I–66."

ACT requested an injunction preventing further construction of I–66 pending appeal. This was granted on November 24, 1971.

On April 4, 1972, the Fourth Circuit Court of Appeals reversed the decision of the District Court, ruling that NEPA and Section 4(f) of the DOT Act were workable. In addition, the court ruled that new public hearings must be held to consider the social and environmental effects of the location in light of the proposed rapid rail service to the Rosslyn area.

Following the appeals court decision, the Virginia Department of Highways filed an appeal with thhe U.S. Supreme Court, contending that planning for I–66 had reached the point where past actions were irreversible. Meanwhile, the Department determined that it would conduct a complete restudy of I–66 in response to the appeals court decision. They hired an consulting team on September 7, 1972, to restudy the social and environmental impact of the highway for five alternates.

This study was to be completed in approximately one year. The Environmental Impact Statement will be circulated prior to the public hearing.

On November 6, 1972, the Supreme Court let stand the lower court ruling blocking work on I–66 until an environmental impact statement and a 4(f) statement have been filed and considered, and until a new public hearing is held.

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COMPLETION OF INTERSTATE ROUTE 66 IN VIRGINIA

Section 152 of the bill provides a timetable for the filing of and subsequent action on the environmental impact statement, the section 4(f) parkland determination, and the conduct of a location and design hearing on the proposed construction of Interstate 66 from its present terminal point at I–495 (the National Capital Beltway) through Arlington County to the Theodore Roosevelt Bridge. Although planned for fifteen years, the completion of this route has been delayed because of several unforeseen factors and, recently, by litigation.

Public hearings on alternate route locations for I–66 in Arlington County were held in 1958 and in 1959, the Virginia Highway Commission and Arlington County Commission agreed on its location. This route was approved the same year by the Bureau of Public Roads. In 1960 the State began acquiring right-of-way, and since 1968 it has owned 99% of the land needed for the highway. A lengthy stretch of the highway right-of-way follows the route of an old, abandoned railroad line which has been acquired by the State. Most of the residents in the path of the highway have already moved to other places.

In 1967 the Washington Metropolitan Area Transit Authority signed a two-year option (later extended) to use the median for transit, and in 1970 authorization was received from WMATA to proceed with preparation of plans for a rapid rail transit line in the median. Part of the delay in construction has been attributed to the problems of securing approval and financing by WMATA for the rapid rail transit line in the median. Recently, there has been action in the State to proceed with the rapid rail line.

In September 1970, design public hearings were held on the section of I–66 from Glebe Road to Rosslyn. A suit was filed in the U.S. District Court by Arlington Coalition for Transportation (ACT) to stop construction. This suit was dismissed. In November 1971 a temporary injunction preventing further construction was granted.

In November 1971, the State hired a consulting organization to restudy the social, environmental and economic impact of the highway. The U.S. Circuit Court of Appeals in April 1972 reversed the District Court's dismissal of the suit by ACT. The Virginia Highway Department asked the Supreme Court to review this decision, but the request was denied in November 1972.

Until new environmental impact (NEPA) and 4(f) (parkland) statements have been prepared, filed and considered, the I–66 project cannot proceed because of the court order. The State Highway Department has contracted for an $850,000 environmental impact study which it expects to be completed by October 1973. Estimated total cost for the nine-mile project is $121 million: $28 million for right-of-way and $93 million for construction.

The bill would direct the Secretary to complete the draft environmental impact statement on this I–66 project by October 1, 1973, and to circulate it to all interested public agencies for comments within 45 days. A public hearing would have to be held within 45 days after issuance of the required notice. By December 31, 1973, the Secretary would have to complete his consideration and review of all comments and information from the hearing, file the final version of the environmental impact statement, and make the other final determinations required by law before construction could proceed. The Secretary's determination on all issues of fact would be conclusive.

It should be pointed out that the Committee recommendation would have no effect on judicial decisions made pertaining to the procedures used for selecting the route for this highway nor would it bar future litigation of any kind. To the contrary, in order to expedite those procedures, the bill would establish a schedule to be followed by administrative agencies charged by law with reviewing the environmental impact statement and making final determinations.

Mr. WEICKER. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment may be dispensed with so that I may explain it.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

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

On page 82, line 24, insert the following new section and renumber subsequent sections accordingly:

"SEC. 115. (a) Section 105(a) is amended by deleting the words "State highway department" in the first sentence and inserting in

lieu thereof "Governor" and by adding at the end thereof the following new sentence: "The Secretary shall not approve any project except that which is in accordance with the planning process required pursuant to section 134 of this title.".

"(b) Section 105(b) is amended by striking out the words "except in States where all public roads and highways are under the control and supervision of the State highway department, that such project be selected by the State highway department" and inserting in lieu thereof the following: "that such project be selected by the State Governor,".

"(c) Section 105(g) is amended by striking out the words "State highway departments" and inserting in lieu thereof "Governors'.".

On page 75, line 6, strike out the words "the State highway department" and insert in lieu thereof "the Governor of each State".

On page 92, after line 25 insert the following:

"(b) It is declared to be in the national interest to encourage and promote the development of transportation systems, embracing various modes of transport in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective the Secretary shall cooperate with the States, as authorized in this title, in the development of long-range comprehensive public transportation plans and programs which are properly coordinated, which include plans for the development of all modes of transportation, which take into consideration the plans of adjacent States, which are formulated with due consideration of their probable effect on future development of each State, and which fully consider alternative modes of transportation and routes for each project included. The Secretary shall not approve under this title any program for projects in any State unless he finds (1) that such projects are in accordance with a continuing comprehensive public transportation planning process carried on by the State in conformance with the objectives of this section, (2) that all reasonable measures to permit, encourage, and assist public participation in such continuing planning process have been taken, and (3) that all social, economic and environmental aspects of such program and its alternatives have been fully considered in the comprehensive planning process. The Secretary, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such process, which shall include hearings, held at least annually, at which there shall be a review of the transportation planning process, plans, and programs, and opportunity provided for the consideration of alternative modes of transportation. No project may be constructed in a State unless the responsible local officials of the area in which the project is located have been consulted and their views considered with respect to the corridor, the location and the design of the project.

Mr. WEICKER. Mr. President, I ask unanimous consent that the name of the Senator from Massachusetts (Mr. KENNEDY) be added as a cosponsor of the amendment.

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

Mr. WEICKER. Mr. President, this amendment is very simple. It says that any highway construction project funded with Federal money must be part of an overall transportation plan rather than simply a highway plan. It also says that the Governor has ultimate responsibility for such planning and not just State highway officials.

This amendment is important because it recognizes that highways, while a vitally important part of any balanced transportation system should not be planned in isolation from mass, inter-city rail or air transportation facilities. All should tie in with each other. All should recognize the varying environmental, social, and economic impact of alternate modes of transportation in all areas—rural as well as urban.

The major airports in this Nation generally have failed to have the necessary rail link between terminals and the central cities. On the other side of the coin, too little thought has been given to linking suburban rail stations with the construction of new highways.

Both of these situations can and must be eliminated. We have got to wipe away the planning mentality which allows the creation of uncoordinated transportation happenings at the expense of an overall system.

This amendment would not authorize the spending of more money. Section 104(f) of the basic act as amended by S. 502 already allocates one-half of 1 percent of the highway trust fund for planning.

This amendment would not impair metropolitan-areawide planning or the creation of local planning agencies. Local officials would definitely be consulted by State planners and local plans, created locally would be carefully plugged into broader State programs.

The kind of coordination this amendment requires is absolutely essential, and I would hope that other Senators would support it.

Mr. KENNEDY. Mr. President, I want to join Senator WEICKER in proposing this amendment to help create a broad transportation perspective on the part of our States.

Too often in the past, the separate funding for highways has been tied to separate planning for highways and overall transportation needs are overlooked.

For that reason, similar provisions were in the bills Senator WEICKER and I introduced last year and again in S. 679 this year.

The amendment provides that any highway project funded with Federal money must be part of a comprehensive transportation plan rather than merely be covered by a highway construction design.

And it says that the final authority should be with the official who is elected by all of the people of the State, the Governor, rather than the State highway departments.

Accountability is vital in the democratic process and by pinning the final decisionmaking responsibility on the Governor, there is no question of who will have to respond if things go awry. Under the present system, the Governor too often can rightly claim that his hands are tied.

Hopefully, this amendment will be another step toward fostering comprehensive multimodal planning that analyzes transportation problems and plans for their resolution in a way that coordinates all modes of transportation. I hope that the committee will accept it.

Mr. BENTSEN. Mr. President, the floor manager of the bill thinks this amendment complements the bill and is a good addition to the bill, and is willing to take the amendment to conference.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. WEICKER. Mr. President, I yield back my time.

Mr. BENTSEN. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment is yielded back.

The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. DOLE. Mr. President, I have an amendment at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment offered by the Senator from Kansas will be read.

The legislative clerk read the amendment, as follows:

On page 118, line 12 insert the following:

"(h) A route from Salina, Kansas, or its vicinity in a northerly direction to intersect with Interstate 80 in the vicinity of York, Nebraska, and, proceeding further, to Interstate 29 in the vicinity of Watertown, South Dakota."

"(i) A route from Wichita, Kansas, or its vicinity to Tucumcari, New Mexico, or its vicinity, so aligned to serve the following intermediate locations or vicinities thereof: Pratt, Kansas; Meade, Kansas; Liberal, Kansas; Guymon, Oklahoma; Stafford, Texas; Dalhart, Texas; and Logan, New Mexico, or any other route through the State of Kansas determined feasible by such State and the Secretary."

Mr. DOLE. Mr. President, this amendment addresses the needs of the State of Kansas and the Nation for improving the flow of highway traffic through the State on the Interstate System.

This amendment authorizes two feasibility studies of interstate route extensions north from Salina, Kans., and southwest from Wichita, Kans.

The desirability of these two extensions can be quickly appreciated at a brief glance at an interstate route map.

ROUTE BETWEEN SALINA, KANS., AND WATERTOWN, S. DAK.

The construction of route I–35W between Wichita and Salina has created a natural flow of northbound traffic from Oklahoma, Texas, and other southern points through Kansas toward Nebraska, the Dakotas and other areas lying in a 500- to 600-mile expanse of land between I–25 in Colorado, Wyoming, and Montana and I–35 in Missouri, Iowa, and Minnesota.

A great deal of traffic is carried along this modern, safe and important route, but when it reaches a point 10 miles north of Salina, it is forced to abandon the four-lane divided highway it has followed from as far south as Laredo, Tex., and utilize a narrow, two-lane, unlimited access highway which is simply not capable of carrying such loads safely. The results have been serious for both the transient traveler and the local citizen who must use this highway, U.S. 81,

through Kansas, Nebraska, and into South Dakota where a connection can be made with I–29 on through the Dakotas to the Canadian border. Accidents, death, and constant danger plague this route.

It would seem that the logical and simple answer to this problem would be a connecting Interstate link between I–35W at Salina and I–29 near Watertown, S. Dak. It would certainly improve the flow of north-south traffic on the Interstate System through the heart of the Nation, and it would provide a great increase in safety for the traveling public and the people who live along the route of U.S. 81 between these points.

I would hope this amendment will be adopted and that the Department of Transportation's studies will demonstrate the wisdom and necessity for such a link in the system.

ROUTE BETWEEN WICHITA, KANS., AND TUCUMCARI, N. MEX.

Another look at the Interstate route map shows an unusual gap in its layout. A rectangle, roughly 400 miles by 300 miles with its corners marked by Denver, Colo.; Salina, Kans.; Albuquerque, N. Mex.; and Oklahoma City, Okla.; is bounded by I–70 on the north, I–35 on the east, I–40 on the south, and I–25 on the west. This rectangle lies at the heart of the traffic flow from the Los Angeles-Phoenix Southwestern area to the Kansas City-Omaha-Des Moines-Minneapolis plains and upper-Midwest region. It is a vitally important year-round route which serves a great percentage of the traffic between these areas.

However, this rectangle has no diagonal route to make the most direct connection between Albuquerque and Kansas City. To travel between these points a driver must follow two sides of the rectangle, or approximately 700 miles, rather than cutting across in a straight line at a saving of perhaps 200 miles and many hours of traveling time. The diagonal route is all the more attractive and enticing because part of it already exists in the form of the 240 miles of I–35, the Kansas Turnpike, and I–70 between Kansas City and Wichita.

Thus, I believe it would be extremely valuable to direct the Department of Transportation to study the completion of this diagonal across Kansas, the Oklahoma and Texas panhandles into New Mexico. The volume of traffic along U.S. 54 between Wichita and Tucumcari shows that the traveling public recognizes the value of such a direct route. But the increased safety and capacity of an interstate highway along this route would pay significant dividends to the entire country and stand as a significant improvement to the entire Interstate System.

ROUTE BETWEEN KANSAS CITY, MO., AND BATON ROUGE, LA.

I would also note the provision in this same section of the Federal-Aid Highway Act for study of an interstate route between Kansas City and Baton Rouge. I believe the committee has identified an important gap in the system here. I would merely add my support for this study and express the hope that the Department of Transportation will give careful consideration to the possibility of placing this route in eastern Kansas, particularly along the present locations of U.S. 69 or U.S. 169. An eastern Kansas-northeastern Oklahoma route would serve communities and could easily be tied into service for the State of Arkansas as specified in the bill. So I would hope these points can be taken into consideration as this study is developed.

Mr. President, I believe these feasibility study requests are important to the State of Kansas and to the Nation's motoring public. I urge that this amendment be adopted by the Senate.

Mr. President, the amendment has been discussed with the subcommittee chairman and the ranking minority member of the committee. It simply asks for two feasibility studies and has been cleared all the way around.

Unless there are questions, I am prepared to yield back the remainder of my time.

Mr. BENTSEN. Mr. President, the floor managers of the bill have studied the amendment and have discussed it with members of the committee on both sides of the aisle, and are willing to accept the amendment.

I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

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

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk proceeded to read the amendment.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 68, line 19, strike all of subsection (b) through line 10 on page 69, and insert the following:

(b) Any state which has not completed Federal funding of the Interstate System within its boundaries shall receive at least one-half of 1 per centum of the total apportionment for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, under Section 104(b)(5) of title 23, United States Code, or an amount equal to the actual cost of completing such funding, whichever is less. In an addition to all other authorizations for the Interstate System for the three fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, there are authorized to be appropriated out of the Highway Trust Fund not to exceed $55,000,000 for each such fiscal year for such system.

Mr. DOMENICI. Mr. President, I yield myself 4 minutes on the amendment.

I call to the attention of the Senate the fact that this amendment is slightly different from amendment 36, which I introduced yesterday. The intention, however, is the same: To strike language from the highway bill which would continue to send to States that have completed their Interstate Highway System one-half of 1 percent of the entire interstate apportionments to be used by those States for other Federal highway programs.

My concern, Mr. President, and Members of the Senate, centers on what I believe is a very bad precedent. It seems to me that what the committee language in section 105(b) does is say to the States, "When you complete the Interstate System, we are going to give you a bonus. We do not really know why. We do not know whether you finished because you did a better job than others." We are going to say to the other States that they did not finish, and we are not going to give them that bonus. We do not know why. We have just decided that those States that have finished will get additional revenues to complete other highway programs in those States.

I am concerned that we are taking a good provision of the 1970 bill and extended it into a very bad precedent. I think it is our responsibility to decide how to spend the interstate money. When the interstate program is completed, it is our responsibility to see that the use of the money is for the benefit of all the States in a national program, and not just those that have finished their interstate segments, for whatever reason.

I know that in the past we added additional mileage on the Interstate System. For various reasons, we are not going to finish some of them quickly. But I would not want a precedent to go on, until the system is finished, that grants an arbitrary amount of money to each State that has completed its system for use in other programs, while giving to those States that have not completed their system proportionately less money for rural primary and secondary systems.

For that reason, I submit this amendment to cut off funding to those States which have completed their Interstate System, while in no way changing the Federal-aid assistance program to those States.

Mr. BENTSEN. Mr. President, I yield to the distinguished Senator from North Dakota, a member of the committee.

Mr. BURDICK. Mr. President, the provision which my colleagues, Senators BUCKLEY and DOMENICI, seek to delete is vital to the States which will soon be completing their required interstate mileage. It is a simple provision—one which had the support of a wide majority of the Senate Public Works Committee, including its distinguished chairman, Senator RANDOLPH, and the able chairman of the Transportation Subcommittee, Senator BENTSEN. The provision in question establishes no new programs, but rather will retain the status quo for States which complete their interstate segments within the life of the bill. A little background information may be helpful to those who have not had a chance to study the matter.

Since the interstate program was authorized in 1956, State highway department officials have been told by Congress and by the various administrations that

completion of the system was to be their highest priority—this in order to bring the benefits of these roads to the traveling public; to avoid the increased costs which are the result of delay; and to insure that the system would be completed within the life of the legislation established to fund it. For example, Mr. Rex M. Whitton, Federal Highway Administrator of the Bureau of Public Roads, told a meeting of the American Association of State Highway Officials in 1962:

(D)uring the past few months, on several occasions, I have stressed to all state highway departments the importance of completing usable segments of the Interstate System . . . I have also asked that each state analyze its position with respect to its progress on the Interstate System and determine what action was needed to bring the program on schedule . . . I am concerned about those states that have not yet started to move at a rate which will keep them abreast of the program time . . . The rate of increase needed to accomplish the task in these states is obviously great and immediate attention to the problem is mandatory.

The mandate was clear—to move swiftly toward early completion of the Interstate System. It seems now that three States may have completed too fast for their own good. These States are Delaware, Nebraska, and North Dakota. Each of these States stand to lose $16.25 million if the amendment offered by Senator BUCKLEY and Senator DOMENICI is accepted.

In 1956 it was contemplated that all States would complete their interstate mileage simultaneously. If every State completed at the same time, Congress reasoned, there would be a smooth transition from interstate construction to post-interstate highway programs.

Unfortunately, several years ago it became apparent that the goal of simultaneous completion would not be attained. This disruption was caused partially by the addition of 1,500 miles of interstate roads and partially by presidential impoundment. When the goal of simultaneous completion was lost, the need for some sort of transitional program for "completing States" became vital.

Public Law 91–605, the Federal-Aid Highway Act of 1970, asked the Secretary of Transportation for a report "on his recommendations for the apportionment of funds and matching requirements for work on Federal-aid highways in States which have completed, or are nearing completion, of construction on Interstate System mileage located in their State, and for all States after completion of the Interstate System." This report, which was due January 1, 1972, never addressed the problem.

Again, in 1972, the Senate recognized the need to establish a transitional highway program. The committee report for the proposed Federal-Aid Highway Act of 1972 read:

(B)ecause several states have nearly completed their Interstate System construction, they soon will begin to receive negligible Interstate apportionments. The reduction of Interstate authorizations and the companion increase of authorizations for other programs should facilitate transition to the post-Interstate period and enable those states to continue a meaningful highway program.

No State would have actually completed their Interstate System within the life of the 1972 proposal which only provided authorizations through fiscal year 1975. Thus, the Senate Public Works Committee certainly did not view the proposed act of 1972 as providing a final answer, but rather a first step toward helping the States switch to post-interstate construction.

This year, however, the Senate has before it a 3-year bill. North Dakota, Nebraska, and Delaware will be completing their mileage of interstate within its authorization period. Unless the provision of S. 502, which assures the minimum apportionment for each of the 3 fiscal years encompassed by the bill is retained, there will be no transition program for the three States I mentioned.

In North Dakota, for example, the minimum annual apportionment of $16.25 million represents about 50 percent of our total highway budget. If the Buckley-Domenici amendment is enacted, we will lose this money in fiscal year 1976 because we will have completed our Interstate System the year before.

Ironically, if the proposed amendment passes, it would have been more advantageous for the three States to prolong interstate completion even though this would have cost the Federal Government more money in terms of rising construction costs now estimated to be about 10 percent a year.

I want to stress at this point that the provision in the Senate bill is not intended to serve as a precedent for a priority primary system or any new funding category. The language of S. 502 is temporary in nature. It is not a permanent amendment to the United States Code. After fiscal year 1976 our highway programs must be reenacted and every portion will undergo reexamination. The provision in question is intended to serve as a logical transitional step to insure that the three States which complete their interstate mileage within the life of this bill are not penalized for early completion. It is also intended to provide needed funds for urban, primary, and secondary road projects which were put on the "back burner" during the interstate construction period.

I have already indicated that the States were all urged to emphasize their interstate construction program. Where construction was unimpeded, this was often done at the expense of other much needed projects. For example, statistics recently released by the Department of Transportation indicate that the three States in question are obligating a greater percentage of their interstate apportionment than they are of their ABC money. Delaware has obligated 81 percent of its apportionment for interstate, but only 34 percent of its urban, primary, and secondary money. Nebraska has obligated 39 percent of its interstate funds, which is still above the national average of 21 percent, but has only obligated 11 percent of its urban-rural money. For North Dakota the figures are 57 percent and 41 percent, respectively.

In these, as in other States, the backlog of existing noninterstate needs is high—in North Dakota, 70.5 percent of our 20-year highway program. There can be no doubt that a great deal of this backlog is due to the emphasis placed on the completion of the Interstate System.

In terms of cost, S. 502 provides a minimum apportionment of one-half of 1 percent of the yearly interstate program authorization for each of the three States affected. This is what they are apportioned under present law, and it is what they are apportioned under present law, and it is what they will receive for fiscal years 1974 and 1975 even if the Buckley-Domenici amendment passes. Thus, we are talking about a total cost of $50 million for 1 year, retaining, in effect, the status quo for the last year of this bill. The funds made available are authorized to be used under existing program authority for urban systems, urban extensions, primary and secondary road improvements.

Mr. President, at this time I send to the desk a substitute to the pending amendment for consideration.

The PRESIDING OFFICER. The clerk will read the amendment of the Senator from North Dakota to the amendment.

The legislative clerk read the amendment to the amendment, as follows:

On page 69, at the end of line 10, add the following: "It is the sense of the Congress that this subsection is an interim provision to be reconsidered at the expiration of this authorization."

Mr. BURDICK. Mr. President, I think this spells out quite clearly that this is an interim solution to a problem which we will reconsider again at the end of this authorization, and I think it meets the objections the Senator from New Mexico may have at this time.

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

Mr. BURDICK. I yield.

Mr. DOMENICI. As I understand the substitute, this will last for the period of this authorization, 3 years, and that we will then look for a national solution as to what we do as the Interstate System is completed in each State to see to it that funds which are used are used in a scope that is national.

With that understanding, I accept the substitute.

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

Mr. BENTSEN. Mr. President, I yield 1 minute to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I am pleased that a solution has been worked out.

I rise to oppose the amendment offered by Senators BUCKLEY and DOMENICI. This would delete a provision in the present bill, sponsored by my colleague, Senator BURDICK.

Mr. President, this provision in the bill provides equity, justice, and fair play for those States, which will be completing their part of the Interstate Highway System, within next 3 years. I understand only three States will be affected during this 3-year period—North Dakota, Nebraska, and Delaware.

There will be other States that will complete their Interstate Highway Systems, in the years immediately following. Some may not complete their part

of this system, until 10 years from now. This staggered pattern with each State completing its part of the Interstate Highway System, presents a problem that will have to be dealt with later. It makes it necessary, that the first States completing their part of the program during the framework of the pending highway act, should be dealt now.

The States that have completed their work, will still be in the position, of having to pay all the taxes going into the highway trust fund, to be distributed to all other States. Thus States like North Dakota, Nebraska, and Delaware, will be placed in the position, of being taxed to pay for a program, from which they no longer receive any funds.

North Dakota has done an excellent job, in constructing its part of the Interstate Highway System. States such as ours, which have moved ahead expeditiously, and completed their section of the Interstate Highway Sytem, should be rewarded and not penalized.

I would hope the sponsors of this amendment would not press for a vote.

Mr. BENTSEN. Mr. President, there is a mutuality of objective on the part of the two Senators, and I am pleased to say the floor manager is willing to accept the substitute and take it to conference, and to yield back his time.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment of the Senator from North Dakota for the amendment of the Senator from New Mexico.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from New Mexico, as amended.

The amendment, as amended, was agreed to.

Mr. FANNIN. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk proceeded to read the amendment.

Mr. FANNIN. Mr. President, I ask unanimous consent that further reading of the amendment be suspended.

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

The amendment is as follows:

At the end of the bill add a new section:

Section 127 of title 23 of the United States Code is amended by striking out the first word and inserting in lieu thereof the following: "(a) Except as provided in subsection (b) of this section, no", and by adding at the end thereof the following new subsection:

"(b) Apportionment of funds shall not be denied to any State for allowing the operation of motor buses upon the Interstate System within such State with a width not in excess of one hundred two inches plus additional width necessary for officially approved safety devices; or with the maximum width permitted for motor buses using the Interstate System within such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is greater. As used in this subsection, the term 'motor buses' means motor vehicles with motive power, except trailers, designed for carrying more than ten persons."

SEC. 2. The amendments made by the first section of this Act shall take effect on January 1, 1974, subject to such safety regulations as the Secretary of Transportation may determine to be necessary or desirable in the operation of motor buses having a width in excess of ninety-six inches but not in excess of one hundred two inches.

Mr. FANNIN. Mr. President, the amendment proposed to the pending bill would amend section 127 of title 23 of the United States Code by increasing from 96 to 102 inches the width of buses permitted to use the Interstate System. Wider buses are already permitted to operate on the Interstate System in nine States; on most urban segments of the Interstate System; and, if the proposed amendment is approved, would be permitted by the legislation of 34 States to operate on the entire Interstate System within their borders.

In the 90th Congress the Senate passed without a dissenting vote a bill (S. 2658) which, among other things, would have increased by 6 inches the maximum bus width limitation applicable to the Interstate System. In the last Congress the House of Representatives passed a bill (H.R. 4354) authorizing a 6-inch increase in the maximum permissible width of buses.

Hearings on H.R. 4354 were held before the Subcommittee on Roads of the Senate Public Works Committee in December 1971 and in February 1972. Action on the bill was deferred at the request of the Department of Transportation to enable the Department to investigate the safety characteristics and the safety record of wider buses.

On January 22, 1973, former Secretary of Transportation John A. Volpe advised Chairman RANDOLPH that "comprehensive research studies" on the safety of wider buses were undertaken and that "such studies are now completed." With his letter to Chairman RANDOLPH, Secretary Volpe enclosed a report on "Safety of Wide Buses" dated January 12, 1973, jointly prepared by staff members of the National Highway Traffic Safety Administration and the Federal Highway Administration. That report reached the following ultimate conclusion:

In summary, the 102-inch wide bus is safe. The research did not indicate any properties of 102-inch wide buses which would suggest that they pose an increased hazard to cars, despite the fact that lateral maneuvering space is reduced by 3 inches or half the additional bus width. On the Interstate Highway System, lanes are at least 12 feet wide and the 3-inch width increase still allows car maneuver space of at least 53 inches, which is adequate for all operating conditions.

The proposed amendment is wholly permissive. It would permit, but not require, the States to increase the maximum width for buses operating on the Interstate System within their borders. On many noninterstate highways, the operation of 102-inch-wide buses is now lawful. Thousands of these wider buses have been purchased with financial assistance extended under the provisions of the Urban Mass Transportation Act of 1964. It is anomalous to retain the 96-inch limitation for the safest highways available.

The proposed amendment is supported by both intercity bus operators and by transit bus operators. They desire to use wider buses, not to increase seating capacity, but to provide more comfort for their passengers.

I trust that the distinguished manager of the bill would be willing to accept this amendment.

Mr. BENTSEN. Mr. President, this amendment is more narrowly drawn than the Hansen amendment in that it pertains only to increasing the width of buses to a specified size rather than lifting all limits on the size of buses and trucks.

I would also note that the committee held extensive hearings on this subject last year.

It is my understanding that a recently completed Department of Transportation study has concluded that the present amendment does not have environmental or safety problems associated with it. Indeed many buses with 102 inch width are now operating effectively on our Interstate Highways.

Because this amendment is restrictive and specific and targeted to vehicles of a certain size, I will not oppose the amendment of the Senator from Arizona (Mr. FANNIN).

I am speaking in my capacity as floor manager of the bill. It may be that some Senators have objections they wish to raise.

For my own part, I will not object to the Senator's amendment.

Mr. STAFFORD. I appreciate the Senator yielding to me.

Mr. President, with considerable regret, because of my high regard for the sponsor of this amendment, I find it necessary for me as an individual Senator to oppose the amendment. I shall not repeat the speech I made earlier with respect to larger vehicles upon our Interstate System. I must say only that what I said then convinces me that we should not increase the size of vehicles on the Interstate System at the present time.

I am very much afraid, though, that this is a strictly limited increase in the size of buses only; that in effect it may be a foot in the door which will result in additional amendments which can be offered or may be offered to increase the size of trucks and buses, as well.

For that reason and without taking up the time of the Senate any further, and in view of the unresolved questions of safety with respect to larger vehicles generally, I find it necessary as an individual Senator to oppose the amendment offered by the Senator from Arizona (Mr. FANNIN).

Mr. BAKER. Will the Senator yield to me for 30 seconds?

Mr. BENTSEN. I yield.

Mr. BAKER. I understand that the yeas and nays have not been asked for on the amendment. I have nothing further to say. But in the event we do not have a rollcall vote, I want the RECORD to show my opposition.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HUGHES. Will the Senator from Arizona yield for two or three questions?

Mr. FANNIN. I am pleased to yield.

Mr. HUGHES. As I listened to the distinguished Senator from Arizona, he

said this amendment was purely optional to a State.

Mr. FANNIN. That is correct.

Mr. HUGHES. Will the Senator describe that as to a cross-country bus running, for example, from Chicago to Omaha? Could such a wide bus ride through the State of Iowa unless the State of Iowa authorized it to run on the Interstate System?

Mr. FANNIN. It is my understanding that this is permissive legislation.

Mr. HUGHES. As I understand, these buses are going to have to get off the Interstate Highway System at some point in order to get to their terminals, if they are going to leave the Interstate Highway System in order to follow city streets to the terminals. My own experience has been that sometimes the bus routes are not always the best routes in the city, but that they travel on some narrow, confined streets.

Again I repeat the question: Is it the option of the State or the city to control the routes the 6-inch wider buses would be allowed to take in States and cities?

Mr. FANNIN. I know that the distinguished Senator from Iowa is very knowledgeable in this field. I think he realizes that city ordinances and State laws would be effective in this respect.

Mr. HUGHES. Mr. President, the Senator discussed this amendment with me earlier and gave assurances in his statement that it is the intention of the bus companies to use this space to increase the comfort of the passengers riding the buses and not to increase the seating capacity of the bus itself. Am I correct?

Mr. FANNIN. That is correct. I think there is a safety factor, too, as far as bus construction is concerned. So I think both from the standpoint of safety and the standpoint of comfort of the rider—the passenger—this is the intent.

Mr. HUGHES. Could the Senator from Arizona tell me, just so that it will fit into the RECORD at this place, what the width of the two-lane Interstate Highway System is?

Mr. FANNIN. I have that information, yes. On the Interstate Highway System the lanes are at least 12 feet wide.

Mr. HUGHES. So on the two-lane system there would be a total of 24 feet. If two of the wider buses were on the highway, passing each other, there would be 208 inches?

Mr. FANNIN. There would be a clearance of 53 inches.

Mr. HUGHES. A clearance of 53 inches?

Mr. FANNIN. Yes.

Mr. HUGHES. Does the Senator have the engineering dynamic studies on these buses? I know he has an engineering report and study. Does the Senator have any information on how many of these buses are in existence, how long an engineering trial they were given, and on what sorts of highways they were given?

Mr. FANNIN. I can answer the distinguished Senator by saying that the report was that there is a negligible difference in aerodynamic disturbance effects between 96-inch and 102-inch buses.

The stability of the 102-inch bus studied is equal to or better than that of the 96-inch bus with which it was compared in various maneuvers including those involving braking.

Mr. HUGHES. In the opinion of the Senator from Arizona, would a bus of this size passing an automobile on the highway in a high wind have any more dangerous effect on the control of the automobile than a bus of present-day size.

Mr. FANNIN. I do not think there would be.

Mr. BENTSEN. Will the Senator yield?

Mr. FANNIN. I will be happy to yield.

Mr. BENTSEN. The Department of Transportation indicates that there is a negligible difference in the wind whip effect on an automobile.

Mr. FANNIN. That is the exact wording—that there is a negligible difference in aerodynamic disturbance effects between 96-inch and 102-inch buses.

Mr. HUGHES. The distinguished Senator from Texas has the advantage on me. Would he explain what "aerodynamics disturbance effect" means?

Mr. BENTSEN. That means it does not cause considerably greater wind suction.

Mr. HUGHES. I am not sure whether that means it slows the bus down in a high wind or whips the automobile less. It is bound to require more fuel consumption. A wider vehicle on the road causes more disturbance than a narrow one.

It is bound to increase the use of fuel. If I want to strain at a gnat, I could say that in the interests of ecology we are increasing pollution.

My interest, I can say to the Senator from Arizona, is not to build a record of objection to his amendment, but to try to make sure that in speaking on this particular subject I share the concern of the distinguished Senator from Vermont.

I am concerned about putting wider vehicles on highways that are already glutted with traffic, particularly on holiday weekends and summer vacations.

I listened to the distinguished chairman of the committee state that every fourth person in the country has the option of seeing this beautiful country of ours; but last July Fourth I started south on the beltway from Washington, and in 2½ hours I was less than 20 miles out on the Beltway. I was not in any danger of wind whip, because I was sitting still most of the time, obviously, on this great Interstate Highway System that is already overburdened and unable to carry the traffic in most regions of the country, particularly in this part of the country.

My concern in putting wider vehicles on that highway is that it would further compound the heavy traffic in very high density areas.

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

Mr. HUGHES. It will only further compound the glut of traffic in the heavy density areas.

Mr. FANNIN. If the Senator will yield, I would hope it would have the exact opposite effect, that there would be more comfort in the bus, that it would be more safe, and that there would be a greater utilization of bus service.

If the Senator would like a further report on the aerodynamic disturbances, characteristics, and effects, I would be glad to read it to him or place it in the RECORD, because I do have a complete report, even to the extent of the wind tunnel and controlled field experiments, with comparisons made of the data for similar size and shape cars such as Ford versus Chevrolet sedans and Volkswagen versus Datsun, and the side forces within each paired combination.

The complete report and complete study is available, and I would be glad to read further, if the Senator so desires. We have a complete analyzation and very thorough study that was made.

Mr. HUGHES. Mr. President, I want to thank the distinguished Senator for his candor and cooperation in explaining the purpose of the wider buses, and so on, but I again want to express my concern to the distinguished Senator from Arizona that this is a breakthrough in a direction that we have not taken before since this system was developed. Whether or not it is only the beginning, the foot in the door, I do not know, but I do think that when this body takes such a step, we should be well aware that every bill that comes along in the future is going to have a request for wider vehicles, based on the fact that we have set a precedent, to increase the comfort of people riding public transportation in buses.

For that reason, though the tests have been made on buses, I do not know whether they have been made on larger and longer vehicles, or what it does to the distribution of the gross weights, the axle problems, or anything else.

It is the intention of the Senator from Iowa, because this is a new direction, to ask for the yeas and nays on this particular amendment.

The PRESIDING OFFICER. All the time of the Senator from Arizona has expired.

Mr. BENTSEN. Will the Senator yield for a moment?

Mr. HUGHES. I yield.

Mr. BENTSEN. This is not an entirely new departure. There is a grandfather clause under the present law that provides that nine States may continue to operate buses of this size, and they are presently being operated on the Interstate System.

Mr. HUGHES. I would agree. But since the grandfather clause, has any single State of the Union increased the size, the width, or the axle weights?

Mr. BENTSEN. It is my understanding that they have.

Mr. FANNIN. Mr. President, if the Senator will yield, it is my understanding that eight States have adopted them.

Mr. BENTSEN. Twelve States have adopted laws that would authorize the larger buses if the Federal Government would remove its restriction.

Mr. HUGHES. Does the Senator have a list of those States?

Mr. BENTSEN. Yes, I do.

Mr. HUGHES. I want to determine whether my State is in the list or not, if the Senator wants to know what I was trying to do. If it is a moot question at home, I might as well shut up, in other words.

Mr. BENTSEN. The grandfather States are Colorado, Connecticut, Ha-

waii, Idaho, Montana, New Mexico, Pennsylvania, Rhode Island, Wyoming, California, Maine, Maryland, Nevada, New Jersey, North Dakota, Oregon, and South Dakota. And then the others, which will permit them if the use of the Interstate System is permitted by Congress, are Delaware, Indiana, Minnesota, Kentucky, Nebraska, New York, North Carolina, Tennessee, Utah, Virginia, Washington, and Wisconsin.

Mr. HUGHES. Mr. President, the Senator from Iowa asks for the yeas and nays on this particular amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator from Texas yield back his time?

Mr. BENTSEN. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CLARK). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Arizona (Mr. FANNIN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Wisconsin (Mr. NELSON), and the Senator from Maine (Mr. MUSKIE), are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

Also, the Senator from Oklahoma (Mr. BARTLETT), the Senator from New York (Mr. BUCKLEY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) is absent on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 14, nays 68, as follows:

[No. 42 Leg.]

YEAS—14

| | | |
|---|---|---|
| Bayh | Goldwater | McGee |
| Bentsen | Hansen | Randolph |
| Cotton | Helms | Thurmond |
| Curtis | Huddleston | Tower |
| Fannin | McClure | |

NAYS—68

| | | |
|---|---|---|
| Abourezk | Dole | Inouye |
| Aiken | Domenici | Jackson |
| Allen | Eastland | Javits |
| Baker | Ervin | Johnston |
| Beall | Fong | Kennedy |
| Bible | Fulbright | Long |
| Biden | Griffin | Magnuson |
| Brock | Gurney | Mansfield |
| Brooke | Hart | Mathias |
| Burdick | Hartke | McClellan |
| Byrd, Robert C. | Haskell | McGovern |
| Cannon | Hathaway | Metcalf |
| Case | Hollings | Montoya |
| Chiles | Hruska | Moss |
| Church | Hughes | Nunn |
| Clark | Humphrey | Packwood |
| Pastore | Schweiker | Taft |
| Pearson | Scott, Pa. | Talmadge |
| Pell | Scott, Va. | Tunney |
| Percy | Sparkman | Weicker |
| Proxmire | Stafford | Williams |
| Ribicoff | Stevenson | Young |
| Roth | Symington | |

NOT VOTING—18

| | | |
|---|---|---|
| Bartlett | Cranston | Muskie |
| Bellmon | Dominick | Nelson |
| Bennett | Eagleton | Saxbe |
| Buckley | Gravel | Stennis |
| Byrd, Harry F., Jr. | Hatfield | Stevens |
| Cook | McIntyre | |
| | Mondale | |

So Mr. FANNIN's amendment was rejected.

Mr. BENTSEN. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the bill when it is passed.

The PRESIDING OFFICER. Without objection, the Secretary of the Senate will be authorized to make technical and clerical corrections in the engrossment of the bill.

Mr. BAKER. Mr. President, I have an amendment at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 94, line 13, strike the period and insert a comma and the following: "and which shall not be in conflict with any State Transportation Plan approved by the Governor.".

Mr. BAKER. Mr. President, I understand that this amendment will be accepted by the manager of the bill.

This amendment modifies the so-called pass-through provision of S. 502 to minimize conflict with State transportation plans. While the amendment does not endanger the powers given to urban areas meeting the criteria of the pass-through provision of the bill, it assures that projects undertaken under that section will not impede the efficiency of statewide transportation programs.

My own State of Tennessee has developed such a plan which is considered a model for future efforts in other States. Thus, I offer this amendment with the additional parochial interest of protecting the work and study which the Tennessee Department of Transportation has invested in this forward-looking plan.

Mr. BENTSEN. Mr. President, the floor manager of the bill has studied the amendment and has discussed it with the ranking minority member of the committee. We have no objection to it. We think it complements the bill, and we are ready to take it to conference, if it is the will of the Senate.

I yield back the remainder of my time.

Mr. BAKER. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BAKER. Mr. President, I have a second amendment at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAKER. Mr. President I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 127 after line 5, insert the following:

MASS TRANSPORTATION TAX STUDY

"SEC. 155. The Secretary shall conduct a study of revenue mechanisms, including a tax on fuels used in the provision of urban mass transportation service, which could be used now or in the future to finance transportation activities receiving financial assistance from the Highway Trust Fund. Such study shall include an analysis of the magnitude of the various potential sources of user tax revenues, the rate at which such taxes could be levied (including possible differential rates), the mechanisms for collection of such taxes, the incidence of such taxes, and the potential impact on transit usage caused by such taxes. The Secretary shall report to the Congress the findings of his study by no later than July 1, 1974."

Mr. BAKER. Mr. President, it is the purpose of this amendment to explore revenue mechanisms relative to mass transportation systems which would afford the basis for preserving the "pay-as-you-go" feature of the trust fund. While I do not believe that this concept should prevent the Congress from expanding the uses of funds in the Trust so that the best transportation policies are followed, neither do I believe that a concept so basic to the trust fund should be discarded.

The amendment directs the Secretary of Transportation to report to Congress by July of 1974 regarding potential sources of user tax revenues, the rates at which such taxes could be levied—including possible differential rates—the mechanisms for collection, the incidences of such taxes and their impact upon the systems which would be taxed.

It is obvious that the sources of revenues which the report may disclose will not at first be so substantial as to supply great amounts into the Fund. Initially these revenues will probably not anywhere approach the amounts used on bus or rail transit systems funded under S. 502. But it is my belief that in time as the concept of urban mass transit becomes more popular these systems may become major contributors to the fund.

The study will disclose among other things the amounts which public transportation systems already contribute to the fund or would contribute under the existing tax setup, and how any additional tax burden should be distributed in order not to penalize those systems which do not share in the trust fund.

There are many complex questions which must be answered before the Congress can take action to broaden the tax sources of the trust fund as it has in the past several weeks broadened the uses of the fund. This study will provide information which will assist Congress in answering these questions.

Mr. BENTSEN. Mr. President, the manager of the bill has studied this

amendment and sees no objection to it and is willing to include it in the bill.

Mr. STAFFORD. Mr. President, I have no objection.

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

Mr. BAKER. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BENTSEN. Mr. President, we have had a long and vigorous debate on this measure, and I believe we have aired many of the difficult and controversial matters associated with the highway program. We will now take this measure to conference, and hopefully we will emerge with a strong and responsible highway bill before the States find themselves in more severe financial straits.

I want to pay tribute to the many who worked very hard to bring this measure to the floor. I thank the chairman of the full committee, Mr. RANDOLPH, for his strong and patient leadership; and I thank all the other members of the Subcommittee on Transportation, which I have to honor to chair, and the full Public Works Committee.

In particular, I want to express my appreciation to the Senator from Vermont (Mr. STAFFORD) for his diligence in attending hearings, his wise counsel, and his cooperation both in the committee and during the debate.

Also deserving special thanks are the staffs of the various Senators on the Public Works Committee, who have cooperated with my staff in helping to prepare and manage this bill.

I would also mention the staff of the committee, including Barry Meyer, Bailey Guard, Clark Norton, Phil Cummings, Kathy Cudlipp, Hal Brayman, John Yago.

I also want to thank Ron Katz of my own staff and Vic Maerki of Senator STAFFORD's staff.

All of these and more labored very hard to bring this important and complicated measure before the Senate.

I yield back the remainder of my time.

Mr. STAFFORD. Mr. President, it has been a pleasure to work with the chairman of the Subcommittee on Transportation, the distinguished Senator from Texas. He has really expedited this bill and has given it excellent consideration. It has been a pleasure to work with him and with the chairman of the full committee.

Mr. BAKER. Mr. President, before the debate closes on the Federal-Aid Highway Act of 1973—major and we believe constructive legislation—I want to call attention to the work and devotion of the staff who have attended to the technical details and requirements of Members during the weeks and months of development of this bill: From the minority staff, Bailey Guard, Harold Brayman, Katherine Cudlipp, Richard Herod, Jacqueline Schafer, and Steven Swain; and Victor Maerki from the staff of Senator STAFFORD, together with Mike Hathaway, Charles Gentry, and Stan Cook from the staffs of Senators MCCLURE, DOMENICI, and SCOTT. We all rely on the experience and knowledge of Barry Meyer, chief counsel of the Committee, and are indebted also to Dr. Clark Norton, Philip Cummings, John Yago, and Leon Billings for the many hours and careful attention they have given to the often complex provisions and difficult issues presented in this measure. And of course Ron Katz on the personal staff of Senator BENTSEN had a special responsibility in the production of this highway bill. We appreciate and are grateful for their efforts and their spirit of cooperation.

I should also like to take a brief moment to pay my special respects not only to the chairman of the committee (Mr. RANDOLPH), who has done so much to shepherd us through many difficult times of decision, but also to two junior Members of the Senate who have done an excellent job in bringing this matter before the Senate for consideration. I refer to the distinguished chairman of the subcommittee, the Senator from Texas (Mr. BENTSEN) and the distinguished ranking Republican member of the subcommittee, the Senator from Vermont (Mr. STAFFORD). They have worked diligently and well, and we are lucky to have them on the Committee on Public Works. I think they have produced an excellent result.

Mr. RANDOLPH. Mr. President, I shall speak later just before passage of this measure.

At this point, however, I reemphasize my appreciation for the leadership of the chairman of the Subcommittee on Transportation. I join with him in accolades for the other members of the committee and the subcommittee, including, of course, the significant contributions of the ranking minority member of the subcommittee, the Senator from Vermont (Mr. STAFFORD), and for my counterpart in the committee, the very able Senator from Tennessee (Mr. BAKER).

I think that in general we have brought to this point in the debate well reasoned legislation of benefit to the people of the United States.

Mr. HUMPHREY. Mr. President, I had planned to propose an amendment to the 1973 Federal Highways Act, to allow use of highway trust funds for grants to State transportation agencies for the creation of computerized car-pool-matching systems, and other mechanisms to increase the number of passengers in each car. It is my judgment that the purpose of my proposed amendment can be accomplished under the provisions of section 114 and section 125 of the act.

The 1973 Federal Highways Act, which the Public Works Committee under the leadership of Senator RANDOLPH has reported out, sets aside substantial funds for purchase of buses and construction of special bus lanes. The purpose is to make highways more efficient.

My proposed amendment would authorize $10 million to State transportation agencies, for the creation of mechanisms to increase the efficiency of the automobile as a passenger carrier, by stimulating more passengers per automobile. This would be in line with the emphasis on this bill on making use of our highways as efficient as possible. These funds are available under the research funds provided in the act.

I ask unanimous consent to have the language of my amendment printed at this point in my remarks.

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

On page 127,

SEC. 155. The Secretary is hereby authorized to make available to state transportation agencies, grants to develop new mechanisms to stimulate sharing of private cars by private individuals. Such mechanisms shall include, but not be limited to, use of computers to match up, on a voluntary basis, drivers with riders.

State agencies shall prepare a plan, subject to approval of the Secretary, including but not limited to—

(1) Establishment of computer data banks, containing home addresses, work addresses, and working hours of persons wishing to register with the bank;

(2) Design, maintenance, and operation of an information system which would match individuals with similar characteristics who wish to be matched;

(3) Promotion of car pooling through public information and advertising;

(4) Dissemination of potential car pool information on a request basis;

The sum of ten million dollars shall be made available to carry out this section, taken from the Federal Highway Trust fund.

Mr. HUMPHREY. Under the terms of my proposal, State agencies could prepare a plan, subject to approval of the Secretary, including but not limited to:

First. Establishment of computer data banks, containing home addresses, work addresses, and working hours of persons wishing to register with the bank;

Second. Design, maintenance, and operation of an information system which would match individuals with similar characteristics who wished to be matched;

Third. Promotion of car pooling through public information and advertising;

Fourth. Dissemination of potential car pool information on a request basis.

Mr. President, much of our transportation crisis results from the fact that:

There is on the average only one person in each car during the morning and afternoon commuter rush;

Most of those cars are going from a number of outlying suburban places to the central city, at the same time—8 to 9 a.m. and 5 to 6 p.m.;

Mass transit has difficulty serving spread-out suburban areas. It is most effective in serving high-density city areas. Our low-density suburbs were shaped by the automobile, and cars are still best suited to serve them. That is why people prefer cars.

My proposal is designed to make much more effective use of the means of transportation that eight out of ten people now take to work. It recognizes that, while new rail and bus transit is badly needed, we must do something immediately to deal with the unbearable traffic congestion, noise, and air pollution that is resulting from having only one person in most of our automobiles, going and coming from work.

The fact is that present car-pool

matching systems are very primitive. They are limited to bulletin boards in a limited number of individual office and plant buildings. Millions of people who live a few blocks away from each other, and also happen to work a few blocks away from each other, have no way of contacting each other. Only the relatively few who happen to work in the same building and put up notices on bulletin boards, join in car pools.

Many people would be willing to give up the expense of maintaining a second car and driving it to work, if they could find a convenient car pool to join. Many others would be interested in the added income from carrying passengers.

To find a convenient car pool right now, a potential rider has to find exactly the right combination of arrival and departure times to and from work, plus the right home neighborhood and work neighborhood. This is exactly what a computer can do, in seconds. It is not something that our present nonsystem allows you to do.

The District of Columbia Environmental Service Administration is proposing such a computerized system, as part of its plan to meet Federal air pollution standards. A few other cities and States are also starting to implement such an idea. But funds are scarce. This amendment would accelerate the movement to establish these systems, and provide needed funds. The beauty of this proposal is that it is simply an information system, with a minimum bureaucracy, but maximum impact, especially when combined with other measures to deal with our transportation crisis. The amendment would also allow States to use funds for any other mechanisms which would increase the average number of passengers in each car in urban areas. There is no intent to dictate to States how to solve the problem. However, States would have to submit plans for use of this money, outlining how the objective of increasing the number of passengers in each car would be achieved.

Too much of the transportation and environment debate has been case in all or nothing terms: Highways versus mass transit. The fact is that we have invested billions of dollars in our highways system, and should do everything possible to make the existing system more effective, as well as erecting, where it makes sense to do so, mass transit instead of highways.

A major means of making highways more effective is to create incentives for people to share cars. What we need is both the carrot and the stick. The Federal air pollution laws have been providing the stick. Our cities are under the gun to cut down air pollution. Drastic plans to curb auto travel are being proposed. But it is unclear whether adequate rail or bus transit can be provided in time.

Amid this debate, few people have focused on the simple fact that, if we could get an average of "two-plus" people, rather than "one-plus" person in each car, we could cut pollution, congestion, and travel time in half.

Now I am proposing to add a new "carrot"—which would allow millions of people to save the cost of a second car—which they use only twice a day. These people could get the names of a dozen or so people who live only minutes away and work in the same vicinity, and are willing to take riders.

When this is done, the inconvenience surrounding present-day carpools will diminish sharply. Computerizing the system will give the average person a choice of many different rides—such that he can choose among those which are most convenient in terms of arrival and departure time, and other factors.

Such a system would also greatly benefit the elderly and handicapped who can not drive, and the poor who have no cars.

As more States pass no-fault insurance, the insurance liability barriers that inhibit people from carrying passengers will disappear. In Massachusetts, I understand, carpooling has sharply increased because of their new no-fault law. This amendment would, in fact, be an incentive to the passage of no-fault laws.

I emphasize that this system would be voluntary, both for the States and for the people who wanted to be registered with the data bank or clearinghouse. No one would be forced to join a carpool. No State or city would be forced to set up such a system.

But the option to do these things would exist. Right now it does not.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

Mr. McCLURE. Mr. President, the amendment I had intended to offer recognizes the needs that have been apparent for several years in some Western States, without repealing Federal standards regarding dimension and weight limitations on vehicles using the Interstate Highway System. I believe it is a rational means of meeting the needs of the several Western States, and it is certainly less drastic than a blanket repeal of all Federal regulations.

Truck transportation is very important to a number of our Western States that depend on long-haul road transportation far more than do more densely populated regions in the East. I recognize also that rail connections are more extensive in many Eastern States. In addition, the nature of industry in some Western States calls for heavy and large vehicles. The natural resources industries characteristic of Western States—such as mining and timber industries—produce bulky products that require larger trucks for transport than many processed and manufactured products.

On the other hand, Mr. President, I believe the Federal standards on the Interstate System have strongly influenced the States to hold their own standards at the levels permitted on their interstate highways. Repeal of Federal standards would open the question of size and weight limitations, and could put constant pressure on all State legislatures to increase limits. Putting the question wholly upon the States, could lead to constant appeals, State by State, and lead to a tendency toward ever-increasing sizes and weights across the country. Such a move would not lead to national uniformity, but could lead to a patchwork of differing standards from one State to another, and I am sure the amendment offered by the distinguished Senator from Wyoming (Mr. HANSEN) suffered as a result.

According to information supplied to me, while more than 40 States have held the line on single and tandem axles weight limitations, the legislatures of eight Western States have demonstrated during the last several years their need for higher load limits by adopting higher standards for their noninterstate roads. None of these States have adopted noninterstate standards in excess of 20,000-pounds single axle, and 34,000-pounds tandem axle.

There are currently 18 States—mostly in the East—which have single-axle and tandem-axle weight limits on their Interstate Systems of at least 20,000 pounds and 34,000 pounds, respectively. These States were "grandfathered" in the Federal Highway Act of 1956.

My amendment would, very simply, change the date of the grandfather clause to permit eight additional States to come under it. It would not otherwise raise the present Federal limitations, nor affect any State which does not now have higher limitations on its noninterstate roads than on its Interstate System. This amendment would be a "one-shot" move, permitting only the same limitations on interstate highways as currently exist on the 50 States' noninterstate roads.

Recognizing the demonstrated needs of several States, without repealing all Federal standards for all 50 States, I recommend this approach. However, in view of the earlier vote of the Senate on the amendment offered by the Senator from Wyoming (Mr. HANSEN), and the lack of opportunity to adequately discuss my amendment, I am withholding it at this time. I do, however, urge serious consideration of this approach to a problem of such great importance to the people of the Western intermountain area of the United States.

Mr. President, I ask unanimous consent that my proposed amendment be printed at this point in the RECORD.

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

At the end of the bill add a new section as follows:

"SEC. —. Section 127 of title 23, United States Code, is amended by striking in the first and third sentences thereof "July 1, 1956," and inserting in lieu thereof "January 1, 1973," and by striking the fourth sentence.

Mr. DOLE. Mr. President, transportation is one of the most important needs of any modern nation. It is the lifeline of commerce; it cements the bond between friends and families; it provides

a source of recreation and expanded experience for individuals of every age and economic circumstance.

Along with the printed word, transportation has shaped and directed the development of every major civilization—and nowhere more importantly than in the United States. At first, transportation in America meant the ocean and the major rivers, but as the frontier expanded into the continent canals, stagecoaches, railroads and finally airlines assumed important roles in the makeup of a complex transportation system.

WISE INVESTMENT

We Americans have always expected a great deal of our transportation systems. We have been a Nation on the move with people, goods, crops, and belongings in an almost constant state of motion. We have relied heavily on our trains, our ships, our planes and upon our cars and trucks to move us and our property about the country. In the course of this reliance on transportation we have shown a willingness to make substantial investments that are designed to pay long term returns. And I believe history shows these investments to have been among the wisest and most productive ever undertaken.

Transportation in America today means many things—from speeding jets to slow, steady barges. But to the average citizen in his day-to-day life transportation means cars and trucks traveling on his city's and his State's streets and highways. And with the possible exception for the mail, probably no other product or effort of the Federal Government is more noticed or important to the average American than the roads and highways he travels each day.

Thus, the leadership of Congress and its activities with regard to Federal highway programs are among the most important of its responsibilities.

BASIC BLUEPRINT

The Federal-Aid Highway Act has become one of the basic blueprints for the future of our country as it sets the policies and establishes the programs for building our vehicular transportation system. With all the discussion of the highway program, it sometimes might seem that it is only concerned with such major undertakings as the massive interstate freeway system. Of course in terms of dollars alone, the interstate program is the largest and most prominent program; however, the Federal highway program is much broader and more detailed than just this prominent category.

In Kansas there is a particular awareness of and appreciation for the rural primary and secondary programs. In a State like mine where large distances separate many cities and towns the primary Federal highways are of great importance. Kansas is fortunate in having well-developed interstate routes which provide good east-west and northeast-south corridors. But, for the rest of the State, chief reliance is still placed on the primary Federal highways to cover major distances and on the FAS or secondary roads system to link rural residents with their nearby towns and the larger highways. Anyone who regularly travels these primary highways and secondary roads gains a very deep understanding of their importance and the critical need to continue Federal support for them, for there is a constant need for additional construction, upgrading, and improvement on these routes. They connect what otherwise might be isolated communities and individuals with the social and commercial mainstream of the Nation. They move the great abundance of American agricultural production from the farmer's field to the marketplace or shipping terminal. They are the indispensable capillaries and smaller veins and arteries of the entire system.

Of course there are urban needs, too, many of which are just as crucial to a city of small or medium size as to one with millions of citizens, and the act contains programs dealing with this area.

Other subjects include highway beautification; billboard regulation; roads in public lands, in national parks and on Indian reservations: and other varied programs touching virtually every aspect of highways, their planning, and construction.

FAILURE TO PASS HIGHWAY BILL

Unfortunately, the 92d Congress which ended last year failed to discharge its responsibilities for the Federal highway program according to the people's expectations, and a comprehensive Federal highway program was not passed.

The results have been predictable and severe. Planning for highway construction—always a longrange and complicated procedure—has been disrupted. States have been unable to move ahead on necessary and important programs. Construction timetables, particularly for the Interstate System, have been seriously jeopardized and disrupted.

SENATE EFFORTS

I would point out, however, that the Senate made every possible effort to secure enactment of a highway program last year. As a member then of the Senate Committee on Public Works, I know of the efforts that were made—both in passing the bill on the Senate floor and in conference with the House—to secure agreement. I believe the Senate lived up to its responsibilities and passed the conference report; however, the House adjourned before the conference report could be taken up, and the bill died.

INTERSTATE APPORTIONMENT

Once again this year the Senate has demonstrated its commitment to the Federal highway program. The first evidence of this continuing support came through Public Works Committee approval and Senate passage of a measure which I sponsored with the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Tennessee (Mr. BAKER), the chairman and ranking Republican of the Public Works Committee. This measure (S. Con. Res. 6) is intended to enable Interstate System construction to proceed on the basis of the currently authorized program while Congress continues to consider the Comprehensive Highway Act. The resolution would permit the apportionment to the States of $1 billion in interstate funds already authorized by previous congressional action but lacking authority to be made available.

The State of Kansas—which like many others faces a virtual shutdown on its interstate construction, because no highway act was passed—will receive $12 million under this measure.

As I noted at the Roads Subcommittee hearings last month, this resolution is no substitute for a comprehensive program, and it is not intended as such. But the already approved interstate program cannot be allowed to come to a halt merely because one small piece of apportionment authority is held up in a broader piece of legislation over which there is some difficulty in reaching agreement.

Now that this authorization of interstate construction funds apportionment has received overwhelming and speedy Senate approval, I would certainly hope the House will respond in the same fashion. Of course it would be preferable to have achieved this result in one legislative package, but that opportunity was lost last year, and we are faced with the necessity of dealing with the situation as it stands today. I believe our colleagues in the House recognize their position and the responsibility which now rests with them, so, hopefully, they will accord this measure the same favorable consideration given by the Senate.

1973 HIGHWAY ACT

The second demonstration of Senate support for the Nation's highway program comes with the expedited consideration of the bill before us today—S. 502. The Roads Subcommittee and the full Public Works Committee have moved with dispatch to conduct hearings and report the bill. Having been involved in last year's committee work on the highway bill, I feel I have a clear understanding of the issues which again are met in this year's bill, and I believe the committee has done a commendable job of shaping a bill which is responsive to the broad needs of our country for a balanced, progressive, and responsible Federal Highway program. Many complex and difficult issues are dealt with in the bill, and it attempts to balance the requirements of many areas of the country, diverse population groups, and a variety of economic considerations. As with any legislation, it contains the fruits of compromise and accommodation, but on the balance it appears to serve the broad national interest.

There are several specific provisions of the legislation which I believe deserve comment.

SUPPORT FOR URBAN MASS TRANSIT

Perhaps no aspect of the bill has been more highly publicized or widely discussed than the proposed uses to which the highway trust fund might be put. Since it was established in 1956, the highway trust fund has supported an unprecedented program of highway construction—most notably the 41,000 mile interstate and defense highway system. But now that the major portion of the interstate system is completed, other transportation needs have arisen and attention has been turned to them. The needs of the cities have received promi-

nent consideration as the congestion, pollution, and complications of urban life have come to affect more and more Americans. Numerous proposals have been put forward as solutions to urban transportation needs. Obviously, the simple expedient of building more and more highways, freeways and other roads to funnel more automobiles into the cities is not the answer. Physical limitations, environmental effects and social considerations show us that the overcrowded cities cannot absorb an infinite number of automobiles. Some alternative means of moving people must be found, and financing for these alternatives must be provided.

APPROPRIATE ROLE

To my view, the highway trust fund has a legitimate part to play in improving urban transportation. It was set aside to support the development of better transportation, and as new needs and problems develop, it should be applied to providing solutions, whether in cities, suburbs or in rural areas. But I believe the intent of Congress in establishing this source of financing was to support highway-related transportation, and it should continue to be applied in this direction. We are far from solving every problem of providing good highway transportation, but neither have we exhausted the possibilities for refining and improving highways as conduits of people and goods.

As reported, S. 502 demonstrates the flexibility, innovative capabilities and improvements which are still capable of being incorporated in highways as carriers of the great urban populations in this country. Its emphasis on bus transit—with provision for purchase of buses, construction of exclusive bus lanes, parking facilities, and other related requirements—shows a great deal of imagination and resourcefulness within the context of highway-related transportation.

This emphasis on highway-related transportation also seems wise on several points aside from the consideration of appropriate uses for the highway trust fund. First, bus transit systems can be established with almost negligible delays—when compared with rail transit systems. Once money is provided, the people who desperately need good transportation can be moved on buses long before plans can ever be drawn for a rail system. And related benefits, such as to the environment which is deteriorating at an alarming rate in many cities, can be realized much sooner.

Second, bus transit systems are flexible. Routes can be extended, shifted or curtailed to cope with shifts in population, seasonal variations in passenger loads and other factors which may not be foreseeable at the time of establishment.

Third, rail transit systems are so much more costly to establish than bus systems that it is doubtful any meaningful contribution could be provided from the highway trust fund without seriously impeding the Nation's highway program.

KANSAS PERSPECTIVE

Another consideration—particularly important to me as I look at the needs for urban transportation in the metropolitan areas of Kansas—is that where an urban and suburban population of medium to relatively small size is widely dispersed in low-density housing patterns as is true in the three primary Kansas urban areas—Kansas Cty, Topeka and Wichita—a bus transit system is the only type which offers any realistic prospect of adequately and efficiently serving the people. Assuming that funds could be secured to construct either a surface or subsurface rail system, it does not seem possible that it could be sufficiently dispersed to afford anything close to complete geographical coverage of the entire area.

VALUE OF RAIL TRANSIT

This is not to say I do believe rail transit has no role in improving urban life or that the Federal Government should not support it as it has other transportation systems. To the contrary, there are urban situations, particularly our multimillion-population city-suburban complexes, where subways and commuter trains may be the key to making life tolerable for the people who live and work there. And the Federal Government has a real responsibility for providing assistance. These people need help, and they deserve their Federal Government's support.

However, I believe highway needs and highway-related transit systems should be dealt with through the mechanisms we have developed for supporting highways, and other types of transportation should be supported from other sources. Perhaps we should consider establishing a specific urban rail transit trust fund for this purpose, and there may be other ways of giving support. But we should beware of the temptation to slice what is admittedly a large pie, the highway trust fund, into to many pieces directed at too many diverse needs.

ACCESS ROADS TO PUBLIC RECREATION AREAS

Another section of the Federal-Aid Highway Act is of special interest because it embodies an amendment offered to last year's act by myself and Senator PEARSON. The amendment was agreed to by the Senate and became part of the bill. I am grateful that the committee has included it in S. 502 this year as section 135 and wish to express my continued support for it.

Section 135 establishes a much-needed program for construction of hard-surface roads for access to public recreation areas associated with Federal lakes.

As many Senators know, the numerous water resources projects supported by the Federal Government throughout the country have provided significant and wide-ranging benefits. From eliminating the threat of floods, to providing reliable agricultural, residential, and industrial water supply facilities, to creating new recreational facilities with accompanying economic development—these projects have touched the lives of countless individuals.

Perhaps the most popular and best publicized benefit of these projects has been their recreational uses as fishermen, boaters, picnickers, and campers take advantage of the waters and shorelines of these lakes. But perhaps no single aspect of these lakes has been of more concern to the users and to the local authorities than the roads which lead to recreational areas. Often they are two-lane, gravel country roads which were never intended to carry a significant volume of traffic. Frequently they are subjected to colossal traffic loads which produce great congestion, much delay, and considerable hazard to the visitors and local residents who use them.

I am sure many Senators have heard from their constituents describing the desperate need to provide better and safer roads in the vicinity of their Federal dams and lakes. The problem has become widespread and critical as more lakes are built and more people use them. Unfortunately States and counties—though they try—cannot begin to meet the need through their strained highway budgets, so the time has come for the Federal Government to join their efforts and achieve a solution. In fact, it seems appropriate that the Gederal Government play a role, since the projects giving rise to these difficulties were constructed with Federal funds.

This section would authorize $45 million on a 70–30 matching basis over a 3–year period to provide for the paving of main access routes within 35 miles of public recreation areas at any lake constructed with Federal funds. It would cover projects of the Corps of Engineers and Bureau of Reclamation as well as those watershed projects which have opened for recreational uses. And it requires that these access routes connect with roads on the federal-aid system, which includes most major county roads as well as major highways and the Interstate System.

I believe this program meets a very important need. It is a need of those who live in cities but enjoy water sports and outdoor activities at these Federal lakes and who expect and deserve safe, adequate routes to their recreational facilities. It is a need of the State and local authorities who recognize and are concerned with their responsibility to provide and maintain good roads and highways. And it is a need of those who live in the vicinity of these facilities and who find their local roads being clogged and destroyed by the great influx of recreational traffic.

So this section is not of narrow application or of benefit only to rural interests or only to urban interests. It is broad and it serves the entire public interest. So I again express my support for section 135 of the Federal-Aid Highway Act, for it furthers the bill's goals of providing better and safer highway transportation for the American people.

I would like to briefly note several additional provisions in the act.

THREE-YEAR AUTHORIZATIONS

I support the committee's recommendations to fund the interstate program at the $3.25 billion level and to authorize all programs on a 3-year basis. A 3-year, rather than a 2-year approach should enable better State planning to be undertaken with a greater ability to rely on Federal support, particularly in view of the increased 70–30 Federal-State matching fund level for noninter-

state programs and the extension from 7 to 10 years of the period allowed for advance acquisition of right-of-way. The amounts provided for the interstate, while lower than in previous authorizations, should make no appreciable difference to the States, since the history of the program shows that full amounts of the authorization have seldom been released for obligation. Thus, customary levels of support can still be expected to be available, and additional funds can be designated for other priority programs—particularly in rural America where as the committee points out there is a major need for upgrading to counteract years of congressional neglect.

Another advantage of the 3-year authorization would be to permit Congress to undertake consideration of the act's renewal in a more orderly fashion and, thus, avoid the difficulties of becoming tied down at the end of a session and unable to reach agreement—as happened with last year's bill.

RURAL PUBLIC TRANSPORTATION

I was pleased to note the committee's recognition of the need for improving public transportation in rural areas. With the discontinuation of all but the few rail passenger routes served by Amtrak, much of rural America has been almost completely denied any sort of public transportation with the exception of buses. In some communities—even those relatively close to cities—even bus service is absent or inadequate. Unfortunately, those who feel the strongest effects of these inadequate or discontinued services are those least able to adopt alternative means of transportation. The elderly, the poor, and the handicapped are the major victims of any insufficiency in public transportation, but in rural areas they suffer even more. Restricted mobility is one thing, but when combined with isolation from family, medical services, and economic opportunities, the burden is even more oppressive. The public transportation needs of rural America have received less publicity that those of the cities, but in many cases the problems are equally severe if not more so. And if we are to have a balanced national transportation system and promote a better quality of life for all our citizens, we cannot neglect the needs which exist in rural areas.

So I am hopeful the $30 million demonstration project for rural public transportation as provided in section 151 will lead to further Federal efforts to meet these very important needs in rural America.

ACCESS ROADS TO AIRPORTS

I believe it is important and timely to include in the bill provisions which clarify congressional intent regarding support for improving the public's access to airports in both rural and urban areas.

This question is especially important to eastern and northeast Kansas where the opening of Kansas City's new international airport has created problems of easy access for most of the Kansas residents in the entire metropolitan area. The shortest and most direct route to the airport, for most residents of Johnson, Wyandotte, and Leavenworth Counties—as well as passengers traveling to and from Topeka—takes them from the State line some 5 or 10 miles across a two-lane, winding road which is clearly inadequate and unsafe for the traffic it is being required to handle.

A number of Kansans, including State legislators from the area, have expressed their concern over this situation. I have contacted Secretary of Transportation Brinegar to relay the interest of these citizens as well as my own. The Secretary's reply pointed out, as I was aware, the matter is primarily one of State jurisdiction, particularly that of Missouri, in the development and execution of their highway development program. However, even though long-range plans include development of two Interstate routes—I–635 and I–435—to give Kansas residents direct freeway connections to the airport, I would hope that this language in sections 109 and 110 of the act will enable the State of Missouri—perhaps in a cooperative effort with Kansas authorities—to provide a safe route for the thousands of Kansans who will be using Kansas City International in the years before the Interstate connections can be completed.

ACCESSIBILITY TO THE HANDICAPPED

Finally, I note the $65 million authorization for the Washington area subway system to finance facilities to make it accessible to the handicapped. I would observe at the outset my unquestioned support for any substantial efforts to give our handicapped citizens the benefit of any government or private facilities, especially those providing increased mobility for them. However, I fail to understand why at this point in the Metro construction process and in this piece of fundamentally unrelated legislation we are now addressing the needs of the handicapped.

I would cite the provisions of Public Law 90–480—42 U.S.C. chapter 51—enacted in 1968, which requires that any federally financed public facility constructed after the act's effective date be designed to insure that physically handicapped persons will have ready access to, and use of such facilities.

It would appear that either Metro authorities were ignorant of the law's requirements or they intentionally disregarded them. Whatever the reason, we are now being asked to provide for belated compliance with the law. I agree that it should be done, but it seems an unnecessarily involved way of fulfilling Metro's responsibility to the handicapped people who live in and visit the Nation's Capital. Metro should have long ago taken the steps which would have avoided the necessity for our action at this time.

Mr. STEVENSON. As the distinguished Senator from Texas knows, I proposed an authorization for a railroad relocation demonstration project in Springfield, Ill. A representative of Springfield's Capital City Railroad Relocation project and I submitted testimony to the Roads Subcommittee in support of the Springfield project. The committee, however, did not include the Springfield Relocation project. Instead, it authorized in section 149(f) the Secretary of Transportation to conduct a nationwide study of railroad relocation projects. Could the distinguished Senator explain the committee's intention?

Mr. BENTSEN. Yes, I would be glad to. From the testimony of the Senator from Illinois and Mr. Bannister, the Chairman of Springfield's Capital City Relocation Authority, the committee had no doubt that the Springfield project was extremely worthwhile. However, it was concerned about the cost of the project in light of other demands upon Congress. The cost of the project is expected to be $36 million. Now I am not saying that the Springfield project is not worth the $36 million. I am saying that the committee was reluctant to add another $36 million authorization to this bill. The other railroad relocation projects in section 149 were each in the neighborhood of $1 to $4.3 million. The committee believes that an adequate resolution of this situation is to authorize the Secretary to study various railroad relocation projects around the country and then report back to Congress. The report could consider the relative merits of such proposed projects and set some priorities for us to consider in the Congress.

Mr. STEVENSON. The Springfield project, then, would you say, should be one of the major projects for the Secretary to study.

Mr. BENTSEN. Yes; the design for the Springfield project, as I understand it, is already formulated, and the project appears to be most worthwhile. As the Senator from Illinois testified before our subcommittee, the Springfield project would eliminate some 101 of the 143 grade crossings in Springfield. I understand that 176 accidents have occurred at these 143 crossings since 1959, that the crossings are a source of great traffic congestion, and that they interrupt the smooth operation of the railroads. I should think the Springfield project would have a high priority in this study.

Mr. STEVENSON. I thank the Senator from Texas. The Springfield project is worthwhile and the design is well formulated. I would also note that it is acceptable to all the railroads involved and to the various local officials and bodies concerned.

Last year the Springfield project was included in the House version of the highway bill, and in the conference report. If the House this year again includes the Springfield project, will the Senate conferees give due consideration to the project?

Mr. BENTSEN. I cannot speak for all of the conferees. At the present we do not know who they will be or whether there will even be a conference. The House is to begin hearings on a highway bill next week, and probably will not finish action until sometime in April. But I believe it fair to say that yes, the Senate conferees will give the Springfield project, should it be authorized in the House bill, every consideration. We would, of course, be committed to supporting the Senate version of this bill, but a conference is a matter of give and take, and if we can be convinced of the merits of the projects in the context of the whole highway bill, we would certainly be inclined to give the most favorable consideration to the Springfield project.

Mr. STEVENSON. I thank the Senator. I appreciate his fair and sympathetic

consideration of the matter. I also appreciate the committee's approval of the feasibility study of an interstate highway from Kansas City to Chicago. Such a project could save much time and money for truck and auto travelers in the Midwest and have a beneficial effect on such cities along the route as Quincy, Macomb, and Peoria, Ill. It is my hope that the feasibility study will be included in the final version of the bill.

Mr. SCHWEIKER. Mr. President, section 128 of the pending bill, S. 502, broadens the provisions of section 137, title 23, United States Code, to permit the Federal support of parking facilities which impose parking fees for use of the facility which would include the amortization of the cost of construction of the facility borne by the non-Federal share of the project. Only fees to finance the cost of operation and maintenance are now authorized. Is the intent of section 128 of the pending bill to encompass the entire range of Federal aid for parking facilities under the Federal-aid Highway Act? For example, would this provision apply to a project under the Federal-aid TOPICS program—traffic operation program to improve capacity and safety—which seeks to alleviate vehicular congestion on the streets and highways of a community located within the standard metropolitan statistical area of Philadelphia, Pa.?

Mr. BENTSEN. Under the billl, fringe and corridor parking facilities would be able to use parking fees to also finance liquidation of financial obligations of the local share of construction as well as maintenance and operations of the facilities. Although TOPICS will be included within the urban Federal-aid highway construction program as provided by the bill rather than continue as a separate program, section 128 changes Federal aid requirements for parking facilities and it would be applicable in the example you outlined. The committee feels by virtue of this change that as a matter of public policy local efforts to recover capital expenditures for public parking facilities in an urban system through the charging of user fees will not preclude Federal support of such projects.

Mr. BEALL. Section 120 of the bill amends section 122 of title 23 of the United States Code to provide, in the case of the Interstate System, for repayment to the States of an amount equal to the principal and interest of bonds issued by the State, the proceeds of which were used to construct projects on the Interstate System. Where this authorization now permits the repayment of interest, is it to have retroactive application and if so, to what extent?

Mr. BENTSEN. Yes, the newly permitted interest repayment provision is to have retroactive application to the extent of current projects which may have begun before this bill became enacted. "Current projects" means specifically projects on the Interstate System with regard to which payments are still being made. Where, in fact, construction may have ended but debt service on the bond is still going on, the project shall be considered a current project.

Mr. GRAVEL. Mr. President, I would like to commend the chairman of the Transportation Subcommittee, Senator BENTSEN and the chairman of the full Public Works Committee, Senator RANDOLPH for their efforts on behalf of the Federal Aid to Highways Act. I believe this to be a very good bill. It goes a long way to meet the unique transportation problems this Nation is facing.

I would especially like to point out how this bill addresses itself to some very unique transportation problems that we are facing in my home State of Alaska. Highway construction in Alaska was never very meaningful until it was discovered that Alaska had strategic value in World War II. More roads were constructed in those 4 years than had been built in all of Alaska's previous history. But Alaska has always been in a position of trying to catch up. It never has.

In 1956 when the country embarked upon a nationwide interstate system, Alaska was left out. The excuse was given that the system was to be restricted to the continental United States. The Congress later reversed itself by authorizing interstate mileage for Hawaii. Alaska still does not have any interstate mileage.

In recent years, however, under the leadership of our present chairman, the committee has come to recognize and deal with our unique transportation problems. For this, I am grateful and the people of Alaska are grateful.

The bill we have today demonstrates its flexibility and concern for the uniqueness of Alaska in a number of ways. First, because we have no interstate system, $20 million was authorized from the Highway Trust Fund for special Alaskan assistance. Second, the bill allows a ferry system to be eligible for assistance from the Federal Aid to Highways Act. This is very important in southeast Alaska where most of the communities are on islands or are otherwise accessible only by air or boat. The ferry system now connects many of these communities with each other and with the outside world. The ferry system has been a boon to the economy of that region.

Third, the bill authorizes the paving of a portion of the Alaskan Highway from the northern terminus of the ferry system at Haines, Alaska, through Canada to the Alaskan border. This will also have a very significant effect on the economy of my State. Fourth, the bill has changed the definition of "Indian Roads" to include Alaska Native villages. Of the 205 villages in the State, 185 are totally inaccessible by car. The bill does not assume that we are going to build roads to all those villages, but it will allow the Bureau of Indian Affairs to assist those communities with broadwalks, trails, and the like. In many of the interior villages of Alaska, a simple rain or thaw can turn a village street into a virtual quagmire.

This bill will go a long way to meeting this simple and basic need. I would like to express my deep appreciation to Chairman RANDOLPH for his recognition of our unique problem. I am hopeful that future legislation will address itself to our uniqueness as this bill has.

Mr. BAYH. Mr. President, I am pleased to rise to support the Federal Aid Highway Act of 1973, S. 502. This bill is very similar to a bill I was privileged to have worked on last year when I served as chairman of the Subcommittee on Roads of the Committee on Public Works. The bill now before us is a sound and progressive piece of legislation, responsive to the highway and transportation needs of the entire Nation, urban and rural areas alike. I commend the distinguished chairman of the full committee, the Senator from West Virginia (Mr. RANDOLPH) and the present chairman of the subcommittee, the distinguished Senator from Texas (Mr. BENTSEN) for their hard and capable work on the pending legislation.

I would like to comment specifically on a few of the most important features of the Federal Aid Highway Act of 1973.

INTERSTATE SYSTEM

The bill contains a recommitment to the completion of the Interstate System which, since 1956, has been the principal highway activity of the United States. Annual authorizations of $3.25 billion are authorized for the system. At this level, assuming there is no withholding of funds by the administration and that previously withheld funds are released, the final obligations for the Interstate System should be reached by 1980 and and construction completed by 1982. The amount authorized for the system is in accord with the amount recommended in the 1972 National Highway Needs Report to the Congress.

The bill also contains a mechanism for resolving disputes over the construction of interstate highways in urban areas—disputes which have delayed completion of the system and prevented the transportation needs of these areas from being met. Many of these disputes involve serious and legitimate location problems or environmental considerations. The bill permits the Secretary of Transportation, together with State and local officials, to agree on a plan either to alter the location of the disputed interstate segment, if the alteration will serve the same general through traffic corridor, or to eliminate the segment entirely if it is not needed for a fully connected national system. If a substitution is made, it would be on a dollar-for-dollar basis, not a mile-for-mile basis, as at present.

Any amount remaining after completion or upgrading of the substitute connection, or the full sum if no substitute is necessary, would be credited to the account of the urbanized area from which the segment was withdrawn. This important change in the law will lessen the pressure local officials feel to build controversial Interstate segments for fear of losing Federal funds. It will help speed completion of the Interstate System as originally envisioned, so that other highway needs can be met, and at the same time it will help solve the environment and transportation problems many urban areas face.

HIGHWAY PUBLIC TRANSPORTATION

In urban areas across the country—in Indiana as well as New York, in Alabama as well as California—local gov-

ernment officials believe that in some instances their highway transportation needs could better be met, consistent with protection of the environment, by a combination of highway public transportation and highway construction instead of just new roads. To deal with this problem, the committee recommended this year, as it did last, that urban areas be permitted to use money apportioned to them under the bill—$1.1 billion a year across the country—for traditional highway purposes or for highway public transportation, whichever is needed most. "Highway public transportation" includes the construction of exclusive or preferential bus lanes, passenger loading facilities, and fringe or corridor parking lots, and, for the first time, authority to purchase passenger equipment, such as buses, which operate on highways. But the bill specifically prohibits the use of Federal money from the Highway Trust Fund for the purchase of subway or other fixed-rail systems or for passenger equipment for the these systems.

Nothing in the bill forces any community to use its highway dollars for highway public transportation; but, if such a need exists in an urban area, this bill makes funds available to meet it. To deal with the growing need for rural public transportation, the bill includes a provision authorizing a highway public transportation demonstration project in rural areas.

I support the provision in the committee bill, and, accordingly, I opposed both the effort by distinguished Senators from Maine and Tennessee (Messrs. MUSKIE and BAKER) and the effort by the distinguished Senators from Massachusetts and Connecticut (Messrs. KENNEDY and WEICKER) to amend the bill to allow Highway Trust Fund money to be used for subways or other rail transit. There are several reasons for my position.

First, large and small urban areas across the country desperately need viable public transportation systems, and such systems, unlike rail systems, will have an immediate impact in meeting transportation needs and in improving the environment, particularly air quality. While few cities are large enough and and densely populated enough to support the very expensive fixed-rail systems, virtually all cities can effectively use highway public transportation. In my own State, for example, Richmond, Fort Wayne, and Indianapolis, among others, have an urgent need for assistance in purchasing buses.

Second, permitting urban areas to use their Highway Trust Fund apportionment for highway public transportation is fully consistent with the origin of purpose of the Trust Fund, while use of the money for rail systems is not. For under law, disbursements from the Trust Fund can be made only for expenses "which are attributable to Federal-Aid Highways." Highway public transportation expenses certainly meet this requirement, for buses and bus lanes will significantly increase the capacity of the Federal-Aid system, and will ensure that we obtain the maximum benefits from the heavy public investment in urban highways. Using a portion of Trust Fund money in this way in urban areas directly benefits the highways users whose tax contributions make up the Fund.

On the other hand, use of the money for rail transit is not consistent with the fact that the Highway Trust Fund is an earmarked fund made up of user taxes, and devoted by law to the benefit of those who contribute to it. Further, the cost of rail systems is so high that the Highway Trust Fund could not bear any substantial portion of it without seriously impairing its ability to meet the Nation's highway needs—its primary purpose.

INCREASED ASSISTANCE FOR MASS TRANSIT

I am very pleased that the bill before us contains an amendment, added on the floor, providing new and substantial assistance for our urban mass transit program—UMTA. The funds for this assistance come from general revenues, not the Highway Trust Fund. I supported this amendment when it was presented, as I have other times in the past. In my view, it is absolutely necessary and appropriate to meet the needs of our great cities for fixed rail mass transportation through the UMTA program which, as I have said, is funded out of the general revenues, not the Highway Trust Fund.

The amendment will provide an additional $3 billion in contract authority for the UMTA program through fiscal year 1977, will raise the Federal share of UMTA capital grants to 90 percent, and will make available to hard-pressed mass transit companies $800 million in grants and loans for operating expenses. The bulk of the money in the UMTA program should be available for rail transit under the bill before us, for some of the highway related mass transportation needs in our urban areas will be financed by the Highway Trust Fund. This seems to me a proper, fair, and rational way to meet the transportation needs of the country at this time.

ASSURING CLEAN AIR

The committee very wisely included in the bill two provisions aimed at assuring that the goals of the Clean Air Act are met. Under existing law, the Secretary of Transportation is required to develop guidelines to guarantee that highways are constructed in a manner consistent with the approved plan for implementation of an ambient air quality standard in the area. Under the bill before us, the Secretary, after June 30 of this year, must find that a highway project is in conformity with the guidelines before he approves it. In addition, for those air quality control regions needing transportation controls, a proposed highway program or project cannot be approved unless it is consistent with the Clean Air Act implementation plan. Furthermore, the Secretary is authorized to require a State to use all the urban extension funds apportioned to it for needed transportation controls. This too will facilitate implementation of the Clean Air Act.

RURAL HIGHWAY, SPECIAL URBAN HIGH DENSITY, AND OTHER PROGRAMS

The bill also recognizes that there are tremendous highway needs of the Interstate System, and authorizes increased funding for rural primary and secondary roads. For the primary system in rural areas, $650 million a year is provided; for the secondary system, $350 million a year. This money will help finance—at a 70-to-30 sharing ratio—many vitally needed projects in my State and others.

I am glad to report in addition that the bill contains a proposal I made last year for a special urban high density traffic program. Routes selected under this program would be less than 10 miles long, would serve areas of concentrated traffic population and heavy traffic congestion, and would meet the urgent needs of commercial, industrial, airport or national defense installations. A route would be eligible only if the Secretary determines that no feasible or practicable alternative mode of transportation would be available, and parkland and residential areas were not damaged. I believe that this program will provide a means for completing the Cline Avenue Expressway in Lake County, Ind., thereby eliminating an extremely serious commuter and industrial bottleneck. The route meets the stiff requirements of this section, I believe, and the road is very badly needed.

There are many other valuable parts of this bill, Mr. President, too many to detail today. For example, the bill contains sections which make money available for the construction of bicycle paths, pedestrian walkways, and equestrian trails; sections which provide increased opportunities for, and assurances of, public participation in highway decisions; sections which grant to large cities the direct expenditure of Federal highway funds; and sections which strengthen the program of highway beautification and provide for a new study of ways to control litter on the highway. Further, the bill declares as national policy both that the highest priority in all highway programs is to be given to highway safety and the saving of human life, and that the programs shall be administered so as to prevent needless delays and duplication of effort—in short that we get rid of red-tape.

Taken as a whole, Mr. President, I believe that the Federal Aid Highway Act of 1973 is a most progressive and responsive highway bill. I support it, and I urge my colleagues to do the same.

FEDERAL SUPPORT FOR BICYCLE TRANSPORTATION IN THE FEDERAL AID HIGHWAY ACT OF 1973

Mr. CRANSTON. Mr. President, before the Senate completes consideration of the Federal Aid Highway Act of 1973 (S. 502), I want to commend the Senate Public Works Committee for including in this bill a new provision to make all funds apportioned for Federal aid to highways available to finance the Federal share of projects for bicycle transportation, pedestrian walkways and equestrian trails. This provision—section 132 of the bill—grew out of legislation I sponsored in the 92d Congress and reintroduced again early this year: S. 2440 and S. 61 respectively, the Bicycle Transportation Act. I am thus delighted to see this section in the Senate version of the Federal Aid Highway Act of 1973.

Under this new provision, all funds apportioned for Federal aid to highways would be available to finance the Federal share of construction costs for separate

or preferential bicycle lanes or paths, bicycle traffic control devices, bicycle shelters and parking facilities, pedestrian walkways, and equestrian trails. Projects could be located on or in conjunction with Federal-aid highway rights-of-way in both urban and rural area. In addition, funds authorized and appropriated for forest highways, forest development roads and trails, public lands development roads and trails, parkways, Indian reservation roads and bridges, and public lands highways would be available for bikeways, at the discretion of the department charged with the administration of these programs.

By almost any measure, bicycling today is enjoying a spirited revival. What was just a few years ago considered a child's toy is now selling to adults at approximately the same rate as new cars. Almost 9 million bicycles were sold in 1971, and some 10 million were sold last year. It has been estimated by informed sources that 70 million Americans are bicycle riders, and a small but growing army of bicyclists are braving rush hour traffic to ride to and from their jobs and schools.

Unfortunately, as more and more take to the streets on their fragile machines, the accident and death rate for bicyclists has skyrocketed. The California Highway Patrol has informed me that in 1969, 66 California bicyclists lost their lives in traffic accidents. Last year the number of deaths jumped to 128. Even more revealing are the statistics for bicycle injuries, particularly for the young adult age group, which saw a 119 percent increase in injury rates over the past 2 years. And between 1969 and 1972, the bicycle injury figures jumped from 5,539 to 10,843.

In order to reduce the growing bicycle death toll, it is essential that wherever possible separate bicycle lanes and paths be established. The funds made available by the new highway bill are a first major step toward this goal. Separate lanes are relatively inexpensive and can easily be built in the rights-of-way of federally aided highways. In addition, preferential bicycle lanes should be established, and informational signs should be posted throughout urban areas to direct the bicyclists to specified, safe routes and to alert the motorist that bicyclists travel on such routes.

I firmly believe, Mr. President, that the bicycle is a viable alternative means of transportation in many areas. It is not only quiet and nonpolluting, but it is healthy exercise for the rider. Its use, therefore, should be encouraged for the benefit of both the community and the individual.

Shortly after introducing S. 2440, the Bicycle Transportation Act, on August 5, 1971, I conducted an informal bicycle survey of every county and every incorporated city in California. In a letter to mayors, chairmen of county boards of supervisors, and city managers, I asked a series of questions to determine the extent of already existing bicycle transportation or recreation facilities, the extent of expressed local public interest in the development of such facilities, estimates of cost and whether local officials felt that Federal financial assistance was necessary in order to develop a safe, contiguous system of bicycle paths, lanes, and trails.

The response to this inquiry was quite positive, documenting what I had guessed to be a rapidly growing interest in bicycling in California. Out of 209 responses, for example, 174 indicated that there had been an expression of considerable local public interest in the development of bicycle facilities, 135 indicated that the major hindrance to the development of such facilities was lack of money, and 142 said they felt Federal financial assistance for the development of bikeways was necessary and desirable.

I am sure that these California officials will be delighted with the Senate highway bill, which includes potentially generous funding for the development of bicycle transportation and recreation lanes, paths, and trails. I commend the Senate Public Works Committee for its leadership in this area, and I urge the House of Representatives, in its consideration of the highway bill, to include a similar provision for bicycling.

I am confident that the funds would be made available if this bill is enacted as passed by the Senate, will contribute to the overall safety on our street and highways. The construction of safe, contiguous bicycle transportation systems can reduce the tragic death rate of bicyclists and will help to relieve traffic congestion.

### USE OF HIGHWAY TRUST FUND FOR URBAN RAIL MASS TRANSIT

Mr. McCLURE. Mr. President, during the debate on Senator MUSKIE's amendment to the Federal-Aid Highway Act of 1973, S. 502, to allow the use of urban funds for rail transit, I spoke in opposition, based on my concern over this diversion of revenues from the highway trust fund to rail mass transit systems. My concern focuses on the apparent conflict between the stated intent of the amendment and what I believe to be the ultimate result of such an action.

In a floor discussion between Senators MUSKIE and CHURCH on this point, Senator MUSKIE assured my colleague from Idaho that the amendment "will in no way result in any decrease in highway funds allocated to rural areas or any increase to highway funds allocated to urban areas." In my remarks, however, and in remarks by other opponents of this amendment, it was shown that the highway trust fund is totally inadequate to meet the mass transit needs of the urban areas. Can anyone actually believe that the Congress would authorize initial construction of rail transit systems with this amendment, and then in later years allow these systems to remain incomplete, or to fail for lack of operating subsidies? I do not. The political strength of the major urban areas would dictate the final result: Total committment of the highway trust fund to the construction and operation of mass transit systems in the major urban areas.

In fact, Senator MUSKIE stated in the closing minutes of debate on his amendment just what the future holds. In discussing the $87 billion highway construction financing since 1956, he said:

> I am not proposing that *at this point* we direct these funds *entirely* to mass transit. We are not ready for it.

He went on to say, in support of his proposal:

> The Muskie amendment is *a first step, not a total step* in giving the people of our cities a choice as to the transportation system that makes the most sense to them, the people that delivered it.

If there be any doubt as to the meaning of these statements, the New York Times of March 15, 1973, specifically explains the intent of the amendment:

> The sponsors of the measure that was adopted acknowledged that $850 million would not be enough to solve the transportation problems of the cities. But they clearly hoped that in future years even more of the trust fund money could be diverted.

I feel certain that when given the choice between mass transit systems paid for by all American citizens, or transportation systems which they pay for, the people of our major cities will choose the former. I believe that urban transit systems should be paid for by the people who benefit from them, not by the people of Idaho or any other non-urban State.

For that reason I will continue to oppose diversion of highway trust fund revenues to urban rail transit systems.

### HIGHWAY BILL RESULT OF WELL-BALANCED EFFORT

Mr. RANDOLPH. Mr. President, when the 93d Congress convened, the Committee on Public Works designated its highest priority for action to the Federal-Aid Highway Act of 1973, the measure on which the Senate is about to act.

While many of the issues in this bill were before us last year, S. 502 is an entirely new measure. We began early in the year and brought this bill through the entire legislative process, including hearings and thorough executive session consideration by both the Subcommittee on Transporation and the full Committee on Public Works.

To bring a measure of such size and complexity to the floor this early in the congressional session required a diligent effort by both Members and of the staff.

I am very appreciative of the time and thought devoted to this bill by members of the committee. Initial consideration was carried out by our Subcommittee on Transportation under the chairmanship of Senator LLOYD BENTSEN of Texas. Senator BENTSEN assumed the chairmanship of the subcommittee this year and set the pace which has enabled us to bring the bill to the Senate at this time. His knowledge of the subject matter and his competence as a legislator were reflected throughout the development of this legislation. Major contributions were received from other members of the subcommittee; Senator MONTOYA, Senator GRAVEL, Senator MUSKIE, Senator BURDICK, Senator SCOTT of Virginia, Senator BUCKLEY, Senator STAFFORD and Senator MCCLURE. Participation by the ranking minority member of the committee, Senator BAKER, was substantial, at both the subcommittee and full committee levels. Senator BAKER and I both serve only as ex-officio members of the subcommittee,

but his great concern with this legislation was demonstrated by his participation.

At the full committee level, the bill was again discussed with the thoroughness that has characterized the legislative efforts of the committee in the past. Other valuable contributions were made by Senator CLARK, Senator BIDEN, and Senator DOMENICI.

I single out for particular mention the concern of the new members of our committee, which was shown by their regular attendance at hearings and executive sessions, and by their participation in the discussion of all aspects of the bill.

The demands on Members of the Senate are such that they could not adequately function without the support of competent and energetic staff. Once again the staff of the Public Works Committee performed its duties in a superior fashion. Staff contributions were made by M. Barry Meyer, chief counsel; Bailey Guard, Clark Norton, Philip Cummings, John Yago, Harold Brayman, Richard Herod, Kathy Cudlipp, Birdie Kyle, Polly Medlin, Margle Powell, Jan Fox, Barbara Bjornson, Jacqueline Schafer, and Ann Brown.

Mr. President, special commendation is due to Paul Chimes, the committee's printing clerk, and the Government Printing Office, for expediting the preparation and printing of both the hearings and the committee report on this legislation. It is no easy task to have available for Senators more than 1,000 pages of hearing testimony and documents within 4 weeks of the hearings, and a committee report less than 2 weeks after the bill was ordered reported. Mr. Chimes spent many long hours on these projects, and it is because of his extraordinary efforts that these important documents were on the desks of the Senators yesterday when we began consideration of this bill.

Mr. LONG. Mr. President, I congratulate the distinguished Chairman of the committee, the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Texas (Mr. BENTSEN) for the magnificent leadership they have shown, as well as their counterparts on the other side of the aisle, the Senator from Tennessee (Mr. BAKER) and the Senator from Vermont (Mr. STAFFORD), for bringing forth a very fine bill, which I am sure will serve the national interest.

I hope they are able to prevail and persuade the House to agree to the Senate language. I thank the Senator for the language on page 20 of the committee report. I ask unanimous consent that the language under the heading "Toll Roads" be printed in the RECORD at this point.

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

TOLL ROADS

The Committee is recommending several changes in existing law relating to toll roads. First, after any State has received its final apportionment for the Interstate System, new toll roads or improvements to existing toll roads in any such State would be eligible for Federal participation, from funds apportioned to the State for its primary system, to finance 70% of the construction cost of such projects, not including the cost of toll collection and service facilities.

A State building a toll road under this provision would be required, upon agreement with the Secretary, to use funds apportioned for its Federal-aid primary system to repay the cost of construction equivalent to the Federal share of the project cost. The Federal share would be payable in not more than 15 equal annual installments from funds apportioned to the State for its Federal-aid primary system.

Except for costs of maintenance and operation of new toll roads or, where appropriate, the costs of maintenance and operation attributable to improvements to existing toll highways, all tolls collected from users of such new toll roads, or tolls levied that are attributable to such improvements to existing toll highways, would be devoted to retiring obligations incurred by the State for its 30% share. The costs of maintenance and operation attributable to any improvement to existing toll highways would be estimated by the State, subject to the approval of the Secretary. After the Federal share has been fully paid, the new toll highway or improved toll highway would be maintained and operated as a free highway as part of the primary system.

This financing arrangement would enable States lacking adequate resources to construct needed highways to do so in a relatively short order. For example, the State of Louisiana has expressed interest in the possibility of utilizing this arrangement to complete a toll road. Lack of adequate funding and the relatively high cost of highway construction in certain parts of the State have precluded a concerted effort to upgrade a north-south route. Other States with equally critical highway problems may well want to take advantage of this additional method of financing highway construction.

Another section of the bill would apply to any toll roads which the Secretary has approved as part of the Interstate System and which later becomes toll free. In such situations, funds apportioned to the Interstate System could be expended for the construction, reconstruction or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System. The cost of such improvements would be added to the cost estimate for completing the Interstate System for the purposes of funding availability and apportionment.

Mr. LONG. I thank Senators for their consideration.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), and the Senator from California (Mr. CRANSTON) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Virginia (Mr. HARRY F. BYRD, JR.), and the Senator from Alaska (Mr. GRAVEL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

Also, the Senator from Oklahoma (Mr. BARTLETT), the Senator from New York (Mr. BUCKLEY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Ohio (Mr. SAXBE) would each vote "yea."

The result was announced—yeas 77, nays 5, as follows:

[No. 43 Leg.]

YEAS—77

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| Abourezk | Griffin | Montoya |
| Aiken | Gurney | Moss |
| Allen | Hansen | Nunn |
| Baker | Hart | Packwood |
| Bayh | Hartke | Pastore |
| Beall | Haskell | Pearson |
| Bentsen | Hathaway | Pell |
| Bible | Hollings | Percy |
| Biden | Hruska | Randolph |
| Brooke | Huddleston | Ribicoff |
| Burdick | Hughes | Schweiker |
| Byrd, Robert C. | Humphrey | Scott, Pa. |
| Cannon | Inouye | Scott, Va. |
| Case | Jackson | Sparkman |
| Chiles | Javits | Stafford |
| Church | Johnston | Stevenson |
| Clark | Kennedy | Symington |
| Cotton | Long | Taft |
| Curtis | Magnuson | Talmadge |
| Dole | Mansfield | Thurmond |
| Domenici | Mathias | Tower |
| Eastland | McClellan | Tunney |
| Ervin | McClure | Weicker |
| Fong | McGee | Williams |
| Fulbright | McGovern | Young |
| Goldwater | Metcalf | |

NAYS—5

| | | |
|---|---|---|
| Brock | Helms | Roth |
| Fannin | Proxmire | |

NOT VOTING—18

| | | |
|---|---|---|
| Bartlett | Cranston | Muskie |
| Bellmon | Dominick | Nelson |
| Bennett | Eagleton | Saxbe |
| Buckley | Gravel | Stennis |
| Byrd, Harry F., Jr. | Hatfield | Stevens |
| Cook | McIntyre | |
| | Mondale | |

So the bill (S. 502) was passed, as follows:

S. 502

An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes

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

TITLE I

SHORT TITLE

SEC. 101. This Act may be cited as the "Federal-Aid Highway Act of 1973".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976." and inserting in lieu thereof the following: "the additional sum of $3,250,-

000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1976."

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation shall apportion for fiscal years 1974, 1975, and 1976 the sums authorized to be appropriated for such years for expenditure on the National System of Interstate and Defense Highways (using the apportionment factors contained in revised table 5, House Committee Print Numbered 92–29.

SUBMISSION OF COST ESTIMATE

SEC. 104. Section 104(b)(5) of title 23, United States Code, is amended by striking "1974" from the sentence preceding the next to the last sentence and inserting in lieu thereof "1975", and by striking the next to the last sentence.

AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $650,000,000 for the fiscal year ending June 30, 1974, $650,000,000 for the fiscal year ending June 30, 1975, and $650,000,000 for the fiscal year ending June 30, 1976. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $350,000,000 for the fiscal year ending June 30, 1974, $350,000,000 for the fiscal year ending June 30, 1975, and $350,000,000 for the fiscal year ending June 30, 1976.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $850,000,000 for the fiscal year ending June 30, 1974, $850,000,000 for the fiscal year ending June 30, 1975, and $850,000,000 for the fiscal year ending June 30, 1976. For the extension of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund, $350,000,000 for the fiscal year ending June 30, 1974, $350,000,000 for the fiscal year ending June 30, 1975, and $350,000,000 for fiscal year ending June 30, 1976.

(3) For forest highways out of the Highway Trust Fund, $33,000,000 for the fiscal year ending June 30, 1974, $33,000,000 for the fiscal year ending June 30, 1975, and $33,000,000 for the fiscal year ending June 30, 1976.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1974, $16,000,000 for the fiscal year ending June 30, 1975, and $16,000,000 for the fiscal year ending June 30, 1976.

(5) For forest development roads and trails, $75,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.

(6) For public lands development roads and trails, $10,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

(7) For park roads and trails, $30,000,000 for the year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

(8) For parkways, out of the Highway Trust Fund, $75,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.

(9) For Indian reservation roads and bridges, out of the Highway Trust Fund, $75,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.

(10) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), out of the Highway Trust Fund, $15,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976.

(11) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code, $1,500,000 for the fiscal year ending June 30, 1974, $1,500,000 for the fiscal year ending June 30, 1975, and $1,500,000 for the fiscal year ending June 30, 1976.

(12) For carrying out section 215(a) of title 23, United States Code (relating to territorial highway development program), out of the sums in the Treasury not otherwise appropriated:

(A) for the Virgin Islands not to exceed $2,500,000 for the fiscal year ending June 30, 1974, not to exceed $2,500,000 for the fiscal year ending June 30, 1975, and not to exceed $2,500,000 for the fiscal year ending June 30, 1976;

(B) for Guam not to exceed $2,000,000 for the fiscal year ending June 30, 1974, not to exceed $2,000,000 for the fiscal year ending June 30, 1975, and not to exceed $2,000,000 for the fiscal year ending June 30, 1976; and

(C) for American Samoa not to exceed $500,000 for the fiscal year ending June 30, 1974, not to exceed $500,000 for the fiscal year ending June 30, 1975, and not to exceed $500,000 for the fiscal year ending June 30, 1976.

(b) For each of the fiscal years 1974, 1975, and 1976, no State shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under paragraph (5) of subsection (b) of section 104 of title 23, United States Code. Whenever such amounts made available for the Interstate System in any State exceed the cost of completing that State's portion of the Interstate Sysem, the excess amount shall be transferred to and added to the amounts apportioned to such State under paragraphs (1), (2), (3), and (6) of subsection (b) of section 104 of title 23, United States Code, in the ratio which these respective amounts bear to each other in that State. For the purpose of carrying out this subsection, there are authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for the fiscal year ending June 30, 1974, $50,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976. It is the sense of the Congress that this subsection is an interim provision to be reconsidered at the expiration of this authorization.

DEFINITIONS

SEC. 106. (a) The definition of "construction" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, acquisition and rehabilitation, relocation, and construction of replacement housing, and improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas."

(b) The definition of "Indian reservation roads and bridges" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside, or Indian and Alaska native villages, groups or communities in which Indians and Alaska natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

(c) The definition of "urbanized area" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'urbanized area' means an area so designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urbanized area designated by the Bureau of the Census."

(d) The definition of "urban area" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'urban area' means an urbanized area, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census."

DECLARATION OF POLICY

SEC. 107. Subsection (b) of section 101 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"It is further declared to be in the national interest and to be the intent of Congress that in the administration of the Federal-aid highway program the Secretary shall carry out the program in such a manner as to give the highest priority in all instances, to highway safety and the saving of human lives."

MINIMIZATION OF RED TAPE

SEC. 108. Secton 101 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government."

FEDERAL-AID SYSTEMS REALIGNMENT

SEC. 109. (a) Section 103(b) of title 23, United States Code, is renumbered as section 103(b)(1) and a new section 103(b)(2) is added to read as follows:

"(2) After June 30, 1975, the Federal-aid primary system shall consist of an adequate system of connected main roads important to interstate, statewide, and regional travel, consisting of rural arterial routes and their extensions into or through urban areas. The Federal-aid primary system shall be designated by each State and where appropriate, shall be in accordance with the planning process pursuant to section 134 of this title, subject to the approval of the Secretary as provided by subsection (f) of this section."

(b) Section 103(c) of title 23, United States Code, is renumbered as section 103(c)(1) and a new subsection 103(c)(2) is added to read as follows:

"(2) After June 30, 1975, the Federal-aid secondary system shall consist of rural major collector routes. The Federal-aid secondary system shall be designated by each State through its State highway department and appropriate local officials in cooperation with each other, subject to the approval of the Secretary as provided in subsection (f) of this section."

(c) Section 103(d) of title 23, United States Code, is renumbered as section 103(d)(1) and a new subsection 103(d)(2) is added to read as follows:

"(2) After June 30, 1975, the Federal-aid urban system shall be located in urban areas and shall consist of arterial routes and collector routes, exclusive of urban extensions of the Federal-aid primary system. The routes on the Federal-aid urban system shall be designated by appropriate local officials, subject to the approval of the Secretary as provided in subsection (f) of this section, and in the case of urbanized areas shall be in accordance with the planning process required pursuant to the provisions of section 134 of this title."

(d) Federal-aid systems realignment shall be based upon anticipated functional usage in the year 1980 or a planned connected system.

(e) In addition to the foregoing amendments, the second sentence of section 103(c)(1) of title 23, United States Code, is amended to insert, after the words "local rural roads," the phrase, "access roads to airports,".

FEDERAL-AID URBAN SYSTEM

SEC. 110. (a) Subsection (d)(1) of section 103 of title 23, United States Code, is amended by striking the first, second, third, fourth, and fifth sentences and inserting in lieu thereof the following:

"The Federal-aid urban system shall be established in each urban area. The system shall be so located as to serve the major centers of activity, and shall include high traffic volume arterial and collector routes, including access roads to airports and other transportation terminals. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system to the extent feasible shall connect with another route on a Federal-aid system. Routes on the Federal-aid urban system shall be selected by the appropriate local officials so as to serve the goals and objectives of the community, after consultation with the State highway departments, and, in urbanized areas, in accordance with the planning process under section 134 of this title. Designation of the Federal-aid urban system shall be subject to the approval of the Secretary as provided in subsection (f) of this section."

(b) Subsection (d) of section 105 of title 23, United States Code, is amended to read as follows:

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the appropriate local officials after consultation with the Governor of each State and, in urbanized areas, in accordance with the planning process required pursuant to section 134 of this title."

TRANSFER OF INTERSTATE SYSTEM MILEAGE WITHIN A STATE

SEC. 111. (a) The fourth sentence of subsection (e)(2) of section 103 of title 23, United States Code, is amended to read:

"The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost to the United States of the mileage approval for which is withdrawn under the second sentence of this paragraph; such costs shall be that as of the date of the withdrawal."

(b) Paragraph (2) of subsection (e) of section 103 of title 23 of the United States Code is amended by adding at the end thereof the following:

"The authority granted by this paragraph shall expire on the date of enactment of the Federal-Aid Highway Act of 1973. However, the amendment contained in section 111(a) of the Federal-Aid Highway Act of 1973 shall be retroactive."

(c) Subsection (e) of section 103 of title 23, United States Code, is amended by adding the following:

"(4) In addition to the mileage authorized by the first sentence of paragraph (1) of this subsection, there is hereby authorized additional mileage for the Interstate System to be used in making modifications or revisions in the Interstate System as provided in this paragraph. Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System or will no longer be essential by reason of the application of this paragraph and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. After the Secretary has withdrawn his approval of any such route or portion thereof the mileage of such route or portion thereof and the additional mileage authorized by the first sentence of this paragraph shall be available for the designation of such interstate route or portions thereof within that State as provided in this subsection necessary to provide the essential connection of the Interstate System in such State in lieu of the route or portions thereof which were withdrawn. The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost to the United States of the mileage approval for which is withdrawn under the second sentence of this pargarph. Such costs shall be the costs of the withdrawn route. Whenever the Secretary detemines that such routes or portions thereof are not essential or whenever the amounts necessary for the completion of the substitute essential routes or portions thereof are less than the cost of the withdrawn route or portions thereof, the amounts remaning or the difference shall be transferred to and added to the amounts apportioned to such State for use in accordance with paragraph (6) of subsection (b) of section 104 of title 23, United States Code, for the account of the urbanized area from which the withdrawal of the routes or portions thereof was made in such urbanized areas. In considering routes or portions thereof to be added to the Interstate System under the second and third sentences of this paragraph, the Secretary shall, in consultation with the States and local governments concerned, assure (A) that such routes or portions thereof will provide a unified and connected Interstate System, and (B) the extension of routes which terminate within municipalities served by a single interstate route, so as to provide traffic service entirely through such municipalities. Any mileage from a route or portion thereof which is withdrawn under the second sentence of this paragraph and not replaced by a substitute essential route or portion thereof may be redesignated as part of the Interstate System by the Secretary in accordance with paragraph (1) of this subsection."

REMOVAL OF DESIGNATED SEGMENTS OF THE INTERSTATE SYSTEM

SEC. 112. Section 103(g) of title 23, United States Code, is amended to read as follows:

"(g) The Secretary, on July 1, 1974, shall remove from designation as a part of the Interstate System each segment of such system for which a State has not notified the Secretary that such State intends to construct such segment, and which the Secretary finds is not necessary for continuity of traffic flows between cities. Nothing shall prohibit the consideration for substitution prior to July 1, 1975, of alternative segments of the Interstate System which will meet the requirements of this title. Any segment of the Interstate System, with respect to which a State has not submitted by July 1, 1975, a schedule for the expenditure of funds for completion of construction of such segment or alternative segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met, shall be removed from designation as a part of the Interstate System. No segment of the Interstate System removed under the authority of the preceding sentence shall thereafter be designated as a part of the Interstate System except as the Secretary finds necessary in the interest of national defense or for other reasons of national interest."

APPORTIONMENT

SEC. 113. (a) Paragraphs (1) and (2) of subsection (b) of section 104 of title 23, United States Code, is amended by striking the words "star routes" each time they appear and insering in lieu thereof "intercity mail routes where service is performed by motor vehicles."

(b) Paragraph (6) of subsection (b) of section 104 of title 23, United States Code, is amended by striking the word "urbanized" wherever it appears and inserting in lieu thereof "urban", and by adding at the end thereof the following: "No State shall receive less than one-half of 1 per centum of each year's apportionment."

(c) Subsection (c) of section 104 of title 23, United States Code, is amended by striking out "20 per centum" in each of the two places it appears and inserting in lieu thereof in each such place the following: "30 per centum" and by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(d) Subsection (d) of section 104 of title 23, United States Code, is amended to read as follows:

"(d)(1) Not more than 30 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph (3) of subsection (b) of this section may be transferred from that apportionment to the apportionment under paragraph (6) of subsection (b) of this section if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under such paragraph by more than 30 per centum.

"(2) In the case of a State for which the Administrator of the Environmental Protection Agency has certified or otherwise stated that one or more air quality regions within such State will fail to achieve, by July 1, 1975, levels of air quality necessary for attainment of the primary ambient air quality

standard specified for carbon monoxide, oxides of nitrogen, or photochemical oxidants (hydrocarbons) in accordance with section 109 of the Clean Air Act (42 U.S.C. 1857 et seq.), the Secretary may require such State to transfer all sums apportioned to such State under paragraph (3) of subsection (b) of this section to the sums apportioned to such State under paragraph (6) of subsection (b) of this section, for the account of the urbanized area within the air quality region designated by the Secretary to receive emergency assistance for transportation system improvements."

(e) The last sentence of subsection (c) of section 104 of title 23, United States Code, is hereby repealed.

APPORTIONMENT OF PLANNING FUNDS

SEC. 114. Subsection (f) of section 104 of title 23, United States Code, is amended to read as follows:

"(f)(1) On or before January 1 next preceding the commencement of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed one-half per centum of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems, for the purpose of carrying out the requirements of section 134 of this title.

"(2) These funds shall be apportioned to the States in the ratio which the population in urbanized areas or parts thereof, in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half per centum of the amount apportioned.

"(3) The funds apportioned to any State under paragraph (2) of this subsection shall be made available by the State to the metropolitan planning organizations designated by the State as being responsible for carrying out the provisions of section 134 of this title. These funds shall be matched in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

"(4) The distribution within any State of the planning funds made available to agencies under paragraph (3) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to, population, status of planning, and metropolitan area transportation needs."

PROGRAMS

SEC. 114A. (a) Section 105(a) of title 23, United States Code, is amended by deleting the words "State highway department" in the first sentence and inserting in lieu thereof "Governor" and by adding at the end thereof the following new sentence: "The Secretary shall not approve any project except that which is in accordance with the planning process required pursuant to section 134 of this title."

(b) Section 105(b) of title 23, United States Code, is amended by striking out the words "except in States where all public roads and highways are under the control and supervision of the State highway department, that such project be selected by the State highway department" and inserting in lieu thereof the following: "that such project be selected by the State Governor."

(c) Section 105(g) of title 23, United States Code, is amended by striking out the words "State highway departments" and inserting in lieu thereof "Governors".

ADVANCE ACQUISITION

SEC. 115 (a) Section 108(a) of title 23, United States Code, is amended by striking out "seven years" in the last sentence and inserting in lieu thereof "ten years".

(b) Section 108(c)(3) of title 23, United States Code, is amended by striking out "seven years" in the first sentence and inserting in lieu thereof "ten years".

STANDARDS

SEC. 116. (a) Subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "The Secretary, after consultation with the Administrator of the Environmental Protection Agency and appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title."

(b) Subsection (j) of section 109 of title 23, United States Code, is amended by inserting "(1)" after "(j)" and adding a new paragraph (2) as follows:

"(2) After June 30, 1973, no highway program or project submitted to the Secretary in accordance with this title shall be approved by the Secretary unless it is in conformity with guidelines established by the Secretary under this subsection and, in the case of a highway program or project proposed for an air quality control region which the Administrator of the Environmental Protection Agency has determined will require the imposition of transportation controls to attain primary ambient air quality standards, is consistent with the implementation plan approved or promulgated for such region under section 110 of the Clean Air Act (42 U.S.C. 1857 et seq.).".

SIGNS ON PROJECT SITE

SEC. 117. Subsection (a) of section 114 of title 23, United States Code, is amended by striking out the last sentence thereof and inserting in lieu thereof the following:

"After June 30, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users, any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

CERTIFICATION ACCEPTANCE

SEC. 118. (a) Section 117 of title 23, United States Code, is amended to read as follows:

"§ 117. Certification acceptance

"(a) The Secretary may discharge any of his responsibilities under this title relative to projects on the Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification of its capability to perform such responsibilities, if he finds that such projects will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this title.

"(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated and actual cost of construction as well as such other information as he determines necessary.

"(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary within his discretion.

"(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et seq.), title VIII of the Act of April 11, 1968 (Public Law 90-284, 42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.), other than this title."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"117. Secondary road responsibilities."

and inserting in lieu thereof the following:

"117. Certification acceptance.".

MATERIALS AT OFF-SITE LOCATIONS

SEC. 119. Section 121(a) of title 23, United States Code, is amended by inserting after the period at the end thereof the following: "Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity."

PAYMENT TO STATES FOR BOND RETIREMENT

SEC. 120. The first sentence of section 122 of title 23, United States Code, is amended by inserting the following after "maturity": "and in the case of the Interstate System principal and interest of such bonds,".

PUBLIC HEARINGS

SEC. 121. Subsection (a) of section 128 of title 23, United States Code, is amended by adding the following at the end thereof:

"The Secretary shall also require with the submission of plans for a Federal-aid project an assurance from the State highway department that it has taken all steps required pursuant to guidelines issued by the Secretary to insure and foster public participation in the development of such project before and after the public hearings required by this subsection."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 122. After the second sentence of section 129(b) of title 23, United States Code, insert the following:

"When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System."

FERRY OPERATIONS

SEC. 123. The last subsection of section 129 of title 23, United States Code, is redesignated as subsection (g) and paragraph (5) of that subsection is amended to read as follows:

"(5) Such ferry may be operated only within the State (including among the islands which comprise the State of Hawaii) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii and operations between the States of Alaska and Washington or between any two points within the State of Alaska, no part of such a ferry operation shall be in any foreign or international waters."

CONTROL OF OUTDOOR ADVERTISING

SEC. 124. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1974, or after

the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way,".

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Subsection (d) of section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof:

"In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof:

"Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law prior to the date of enactment of the Federal-Aid Highway Act of 1973."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $2,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending June 30, 1974, $50,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

TRANSPORTATION PLANNING IN CERTAIN URBAN AREAS

SEC. 125. (a) Subsection (a) of section 134, of title 23, United States Code, is amended by striking the next to the last sentence and inserting in lieu thereof the following:

"The Secretary shall not approve under section 105 of this title any program for projects in any urbanized area unless he finds (1) that such projects are in accordance with a continuing comprehensive transportation planning process carried on cooperatively by the State and local communities in conformance with the objectives stated in this section, and (2) that all reasonable measures to permit, encourage, and assist public participation in such continuing comprehensive transportation planning process have been taken. The Secretary, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such processes, which shall include hearings, held at least annually, at which there would be a review of the transportation planning process, plans and programs, and opportunity provided for the consideration of alternative modes of transportation."

(b) Section 134, title 23, United States Code, is amended by adding the following new subsection:

"(b) It is declared to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transport in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective the Secretary shall cooperate with the States, as authorized in this title, in the development of long-range, comprehensive public transportation plans and programs which are properly coordinated, which include plans for the development of all modes of transportation, which take into consideration the plans of adjacent States, which are formulated with due consideration of their probable effect on future development of each State, and which fully consider alternative modes of transportation and routes for each project included. The Secretary shall not approve under this title any program for projects in any State unless he finds (1) that such projects are in accordance with a continuing comprehensive public transportation planning process carried on by the State in conformance with the objectives of this section, (2) that all reasonable measures to permit, encourage, and assist public participation in such continuing planning process have been taken, and (3) that all social, economic, and environmental aspects of such program and its alternatives have been fully considered in the comprehensive planning process. The Secretary, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such process, which shall include hearings, held at least annually, at which there shall be a review of the transportation planning process, plans, and programs, and opportunity provided for the consideration of alternative modes of transportation. No project may be constructed in a State unless the responsible local officials of the area in which the project is located have been consulted and their views considered with respect to the corridor, the location and the design of the project."

AVAILABILITY OF URBAN SYSTEM FUNDS

SEC. 126. (a) Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Availability of urban system funds

"(a) Funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title which are attributable to urbanized areas having a population of 400,000 or more shall be allocated among such urbanized areas, or parts thereof, within any such State in the ratio that the population within each such urbanized area, or part thereof, bears to the population of all urban areas, or parts thereof, within such State.

"(b) Funds allocated in accordance with subsection (a) of this section shall be available for expenditure within any such urbanized area for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title.

"(c) Funds allocated to any urbanized area under subsection (a) of this section shall be available for expenditure in another urbanized area within such State only where the responsible public officials in both such urbanized areas agree to such availability.

"(d) Where the Secretary finds that any incorporated municipality having a population of 400,000 or more, or a combination of municipalities, at least one of which has a population of 400,000 or more, has sufficient authority under State law to develop and implement a plan for expenditure of funds attributed to such municipality or municipalities pursuant to this section and has adequate powers under State law and is suitably equipped and organized to carry out projects on the urban system, funds allocated to an urbanized area under subsection (a) of this section which are attributable to such municipality or municipalities shall be available to such municipality or municipalities for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title, and which shall not be in conflict with any State transportation plan approved by the Governor."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by striking

"135. Urban area traffic operations improvement programs."

and inserting in lieu thereof:

"135. Availability of urban system funds.".

CONTROL OF JUNKYARDS

SEC. 127. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following:

"(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully in existence at the effective date of State legislation enacted to comply with this section."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed

$3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for the fiscal year ending June 30, 1973, and, out of the Highway Trust Fund, not to exceed $15,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

FRINGE AND CORRIDOR PARKING FACILITIES

SEC. 128. Subsection (a) of section 137 of title 23, United States Code, is amended to read as follows:

"(a) The Secretary may approve as a project on the Federal-aid urban system the acquisition of land adjacent to the right-of-way inside or outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or within such right-of-way, including the use of the air space above and below the established grade line of the highway pavement, to serve an urban area. Such parking facility to the extent feasible, suitable, and practicable, shall be located and designed in conjunction with existing or planned public transportation facilities. In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility) and liquidation of bonds or other obligations incurred in financing the local share of such facilities."

PRESERVATION OF PARKLANDS

SEC. 129. Section 138 of title 23, United States Code, is amended (1) by striking out "lands" in the first sentence and inserting in lieu thereof "areas (including water)", and (2) by striking out "lands" and "land" wherever thereafter appearing therein and inserting in lieu thereof "areas" and "area", respectively.

TRAINING PROGRAMS

SEC. 130. Subsection (b) of section 140 of title 23, United States Code, is amended by striking out in the second sentence "and 1973," and inserting in lieu thereof ", 1973, 1974, 1975, and 1976".

URBAN PUBLIC TRANSPORTATION

SEC. 131. Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Urban public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems for the transportation of passengers within urban areas,

"(1) sums apportioned in accordance with paragraphs (3) and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects within urban areas, for the construction of exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and for the purchase of passenger equipment other than rolling stock for fixed rail;

"(2) sums apportioned in accordance with paragraph (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects within urban areas for the construction of fixed rail facilities and for the purchase of passenger equipment, including rolling stock for fixed rail; and

"(3) sums apportioned in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the cost of projects on the Interstate System, for the construction of exclusive or preferential bus lanes, highway traffic control devices, and passenger loading areas and facilities, including shelters and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers. Projects financed under this paragraph may also include exclusive or preferential bus, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.

"(b) The establishment of routes and schedules of such public mass transportation systems in urbanized areas shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless the Secretary of Transportation is satisfied that public mass transportation systems will have adequate capability to utilize fully the proposed project and to maintain and operate properly any equipment acquired under this section.

"(e) No equipment which is acquired with financial assistance provided by this section shall be available for use in charter, leased, sightseeing, or other service in any area other than the area for which it was acquired.

"(f) In the acquisition of equipment pursuant to subsection (a) of this section, the Secretary shall require that such equipment meet the standards prescribed by the Administrator of the Environmental Protection Agency under section 202 of the Clean Air Act, as amended, and under section 6 of the Noise Control Act of 1972 (86 Stat. 1234), and shall authorize the acquisition, wherever practicable, of equipment which meets the special criteria for low-emission vehicles set forth in section 212 of the Clean Air Act, as amended, and for low-noise-emission products set forth in section 15 of the Noise Control Act of 1972 (86 Stat. 1234).

"(g) The Secretary shall assure that the provisions of subsection (a) of section 16 of the Urban Mass Transportation Act of 1964 as amended requiring the planning and design of mass transportation facilities to meet special needs of the elderly and the handicapped (as defined in subsection (d) thereof), shall be implemented in projects under this section.

"(h) Funds available for expenditure to carry out the purposes of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

"(i) The provisions of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out the provisions of this section dealing with the purchase of equipment and its use within urban areas, to the extent such provisions are not inconsistent with, or in conflict with, the provisions of chapters 1, 3, and 5, of this title.

"(j) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing highway safety or future highway improvements, the Secretary may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby."

BICYCLE TRANSPORTATION, PEDESTRIAN WALKWAYS, AND EQUESTRIAN TRAILS

SEC. 132. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Bicycle transportation, pedestrian walkways, and equestrian trails

"(a) To encourage the multiple use of highway rights-of-way, including the development, improvement, and use of bicycle transportation and the development and improvement of pedestrian walkways and equestrian trails on or in conjunction with highway rights-of-way, the States may, on projects carried out with sums apportioned in accordance with subsection (b) of section 104 of this title, include to the extent practicable, suitable, and feasible, the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicycles and persons using bicycles, pedestrian walkways, and equestrian trails in conjunction or connection with Federal-aid highways. Projects authorized under this section shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

"(b) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(c) Funds authorized and appropriated for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle and pedestrian routes in conjunction with such trails, roads, highways, and parkways.

"(d) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"145. Bicycle transportation, pedestrian walkways, and equestrian trails."

TOLL ROAD REIMBURSEMENT PROGRAM

SEC. 133. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 146. Toll road reimbursement program

"(a) Whenever a State has received its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System, the Secretary may permit, notwithstanding the provisions of subsection (b) of section 129 of this title, reimbursement of the Federal share of the actual cost of construction of new toll highways or improvements to existing toll highways, construction of which highways or improvement is begun after July 1, 1973, but not including the cost of toll collection and service facilities, on the same basis and in the same manner as in the construction of free highways under this chapter upon compliance with the conditions contained in this section.

"(b) The Secretary may permit reimbursement of the Federal share of the costs of construction as applicable to a project under section 120(a) of this title from funds apportioned to such State pursuant to paragraph (1) subsection (b) of section 104 of this title whenever the State enters into an agreement with the Secretary whereby it undertakes performance of the following obligations:

"(1) to provide for the construction of

such highway in accordance with standards approved by the Secretary;

"(2) all tolls received from the operation of such highway, less the actual cost of such operation and maintenance, shall be applied by the State to the repayment of the actual costs of construction, except for an amount equal to the Federal share payable of such actual costs of a project; and

"(3) no tolls shall be charged for the use of such highway after the Federal share has been paid and the highway shall be maintained and operated as a free highway.

Such agreements may be entered into between the Secretary and a State upon enactment of this section. Reimbursements shall not be made until after the State receives its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System.

"(c) When such highway becomes toll free in accordance with the aforementioned agreement, such highway shall become a part of the primary system notwithstanding the mileage limitations in subsection (b) of section 103 of this title.

"(d) The Federal share payable of such actual cost of the project shall be made in not more than fifteen equal annual installments, from the funds apportioned to the State pursuant to paragraph (1) of subsection (b) of section 104 of this title, with the first installment being made one year after the project agreement has been entered into between the Secretary and the State highway departments or one year after the State receives its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System, whichever is last to occur. Such payment shall be applied against the outstanding obligations of the project."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"146. Toll road reimbursement program."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 134. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end theerof the following new section:

"§ 147. Special urban high density traffic program

"(a) There is hereby authorized to be appropriated out of the Highway Trust Fund, $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, airport, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served is now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"147. Special urban high density traffic program."

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON FEDERAL LAKES

SEC. 135. (a) Chapter 1 of title 23 of the United States Code is further amended by adding at the end thereof the following new section:

"§ 148. Access highways to public recreation areas on Federal lakes

"(a) There is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated $15,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976, for the construction or reconstruction of access highways to public recreation areas on Federal lakes in order to accommodate present and future high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for the purpose of this section which shall include the following criteria:

"(1) Routes designated by the Secretary shall not extend beyond 35 miles from the recreation area.

"(2) Such routes shall connect with a highway in the Federal-aid system.

"(3) The designation of routes under this section shall comply with section 138 of this title.

"(4) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 70 per centum of the cost of construction or reconstruction of such project.

"(c) Any highway not part of the Federal-aid system when constructed or reconstructed pursuant to this section shall thereafter be part of the Federal-aid secondary system except as otherwise provided pursuant to this section.

"(d) For the purpose of this section the term 'Federal lake' means a lake constructed by the Corps of Engineers, Department of the Army, or the Tennessee Valley Authority, or the Bureau of Reclamation, Department of the Interior, or a multipurpose lake constructed with the assistance of the Soil Conservation Service, Department of Agriculture. This section shall apply to lakes constructed or authorized for construction prior to the date of enactment of the Federal-Aid Highway Act of 1973."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"148. Access highways to public recreation areas on Federal lakes.".

PUBLIC TRANSPORTATION IN NATIONAL FORESTS AND PARKS

SEC. 136. (a) Subsection (f) of section 204 of title 23, United States Code, is amended to read as follows:

"(f) Funds available for forest highways shall be available for adjacent vehicular parking areas, for sanitary, water, and fire control facilities, and for passenger loading areas and facilities and the purchase of buses to provide interpretive or shuttle transportation services as an alternative means of transportation."

(b) Section 206 of title 23, United States Code, is amended by adding the following new subsection:

"(c) Funds available for park roads and trails shall be available for adjacent vehicular parking areas and for passenger loading areas and facilities and the purchase of buses to provide interpretive or shuttle transportation services as an alternative means of transportations."

PARKWAYS

SEC. 137. (a) Subsection (a) of section 207 of title 23 United States Code, is amended to read as follows:

"(a) Funds available for parkways shall be used ot pay for the cost of construction and improvement thereof, including the acquisition of rights-of-way and related scenic easements."

(b) Section 207 of title 23, United States Code, is further amended by adding the following subsection:

"(d) The provisions of section 106(a) of this title, relating to the obligation of funds, shall apply to funds available for parkway."

HIGHLAND SCENIC HIGHWAY

SEC. 138. (a) The Secretary of the Interior in cooperation with the Secretary of Agriculture (acting through the Forest Service), is authorized to develop and construct as a parkway the Highland Scenic Highway from West Virginia State Route 39 to U.S. 250 near Barton Knob.

(b) The route from Richwood, West Virginia, to U.S. 250 near Barton Knob, via West Virginia State Route 39 and the parkway authorized by subsection (a) of this section, shall be designated as the Highland Scenic Highway.

(c) Such Secretaries are authorized to acquire rights-of-way, lands containing such rights-of-way, and interests in land, including scenic easements, necessary to carry out the purpose of a scenic highway.

(d) Funds available for parkways shall be available for signs on interstate highways, Appalachian highways and other appropriate highways at natural points of access to such geographic area, indicating the direction and distance to the Highland Scenic Highway and to Richwood as "Gateway to the Highland Scenic Highway".

(e) Funds available for parkways shall be available for upgrading that portion of West Virginia State Route 39 designated as the Highland Scenic Highway to appropriate standards for a scenic and recreational highway, including the construction of vistas and other scenic improvements.

(f) Upon construction of the Highland Scenic Highway as authorized by subsection (a) of this section, such road and all associated lands and rights-of-way shall be transferred to the Forest Service and managed as part of the Monongahela National Forest, solely for scenic and recreational use and passenger car travel.

(g) Any parkway authorized in the future to proceed southward in such area shall begin in the immediate vicinity of Richwood, West Virginia.

CUMBERLAND GAP NATIONAL HISTORICAL PARK

SEC. 139. (a) Notwithstanding the definition of parkways in subsection (a) of section 101, funds available for parkways shall be available to finance the cost of reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park, including construction of a tunnel and the approaches thereto, so as to permit restoration of the Gap and provide adequate traffic capacity.

(b) Upon construction, such highway and tunnel and all associated lands and rights-

of-way shall be transferred to the National Park Service and managed as part of the Cumberland Gap National Historical Park.

ALASKA HIGHWAY

SEC. 140. (a)(1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 217. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highway until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary."

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following: "217. Alaska Highway."

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of $58,670,000 to be expended in accordance with the provisions of section 217 of title 23 of the United States Code.

RESEARCH AND PLANNING

SEC. 141. Subsection (c)(1) of section 307 of title 23, United States Code, is amended to read as follows:

"(c)(1) Not to exceed 1½ per centum of the sums apportioned for each fiscal year beginning with fiscal year 1974 to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations; for the planning of future highway programs and local public transportation systems and for the financing thereof; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research and development, necessary in connection with the planning; design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use."

BRIDGES ON FEDERAL DAMS

SEC. 142. (a) Subsection (d) of section 320 of title 23, United States Code, is amended by striking out "$16,761,000" and inserting in lieu thereof "$25,261,000".

(b) All sums appropriated under authority of the increased authorization of $8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of not to exceed $2,100,000 and in connection with the reconstruction of a bridge across Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of not to exceed $6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project and the State of Tennessee for the Chattanooga project.

TECHNICAL AMENDMENTS

SEC. 143. Title 23, United States Code, is amended as follows:

(a) Section 101(a) is amended by striking out "Secretary of Commerce" and inserting in lieu thereof "Secretary of Transportation".

(b) Section 109(g) is amended by striking out "Rct" and inserting in lieu thereof "Act".

(c) Sections 126(a) and 310 are amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

(d) The heading of section 303 is amended to read:

"Administration organization."

(e) Sections 308(b), 312, and 314 are amended by striking out "Bureau of Public Roads" each place it appears and inserting in lieu thereof "Federal Highway Administration".

(f) Section 309 is amended by striking out "Bureau of Public Roads" and inserting in lieu thereof "Department of Transportation".

(g) Sections 312 and 314 are amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

ALASKAN ASSISTANCE

SEC. 144. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking at the end of the last sentence "June 30, 1972, and June 30, 1973." and substituting "June 30, 1972, June 20, 1973, June 30, 1974, June 30, 1975, and June 30, 1976."

INCREASED FEDERAL SHARE—EFFECTIVE DATE

SEC. 145. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1970 is amended to read as follows:

"(b) The amendments made by subsection (a) of this section shall take effect with respect to all obligations incurred after June 30, 1973, except for projects on which Federal funds were obligated on or before that date."

FEASIBILITY STUDIES

SEC. 146. The Secretary shall report to Congress by January 1, 1975, on the feasibility and necessity for constructing to appropriate standards proposed highways along the following routes for the purpose of including such highways in the National System of Interstate and Defense Highways:

(a) A route from Brunswick, Georgia, or its vicinity, to Kansas City, Missouri, or its vicinity, so aligned to serve the following intermediate locations, or vicinities thereof: Columbus, Georga; Birmingham, Alabama; Tupelo, Mississippi; Memphis, Tennessee; Batesville or Jonesboro, Arkansas; and Springfield, Missouri.

(b) Extension of Interstate Highway 70 from Cove Fort, Utah, or its vicinity, in a westerly direction, so aligned to serve the intermediate locations of Ely and Carson City, Nevada, or their vicinities.

(c) A route from Amarillo, Texas, or its vicinity, to Las Cruces, New Mexico, or its vicinity, so aligned to serve the following intermediate locations, or vicinities thereof: Herford, Texas; Clovis, New Mexico; Portales, New Mexico; Roswell, New Mexico; Ruidoso, New Mexico; Tularosa, New Mexico; and Alamogordo, New Mexico.

(d) A route from Kansas City, Missouri, or its vicinity, to Baton Rouge, Louisiana, or its vicinity, so aligned to serve one or both of the following intermediate locations or vicinities thereof: Fayetteville, Fort Smith, and Texarkana, Arkansas; or Little Rock, Arkansas, or any other route through the State of Arkansas determined feasible by such State and the Secretary.

(e) A route from Interstate Highway 380 from Waterloo, Iowa, via Dubuque, Iowa, to Interstate Highway 90 at Rockford, Illinois; and an extension of Interstate Highway 74 from the Davenport, Iowa-Moline, Illinois, area through Dubuque, Iowa, to Interstate 90 at LaCrosse, Wisconsin.

(f) A route from Kansas City, Missouri, or its vicinity, to Chicago, Illinois, or its vicinity, so aligned to cross the Mississippi River in the vicinity of Hannibal, Missouri, and Quincy, Illinois.

(g) Extension of Interstate Highway 27 from Lubbock, Texas, or its vicinity in a southerly direction to intersect with Interstate 20 and, proceeding further, to intersect with Interstate 10.

(h) A route from Salina, Kansas, or its vicinity in a northerly direction to intersect with Interstate 80 in the vicinity of York, Nebraska, and, proceeding further, to Interstate 29 in the vicinity of Watertown, South Dakota.

(i) A route from Wichita, Kansas, or its vicinity to Tucumcari, New Mexico, or its vicinity, so aligned to serve the following intermediate locations or vicinities thereof: Pratt, Kansas; Meade, Kansas; Liberal, Kansas; Guymon, Oklahoma; Stafford, Texas; Dalhart, Texas; and Logan, New Mexico; or any other route through the State of Kansas determined feasible by such State and the Secretary.

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 147. (a) The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than July 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies as will achieve a system of tolls which will best serve the public interest.

(b) The Secretary shall establish by regulations, procedures which will implement his responsibilities under section 526 of title 33, United States Code, regarding rates of tolls.

TERMINATION OF FEDERAL-AID RELATIONSHIP

SEC. 148. (a) Notwithstanding any other provisions of Federal law or any court decision to the contrary, the contractual relationship between the Federal and State Governments shall be ended with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410, and the expressway shall cease to be a Federal-aid project.

(b) The amount of all Federal-aid highway funds paid on account of sections of the San Antonio North Expressway in Bexar County, Texas (Federal-aid projects numbered U 244(7), U 244(10), UG 244(9), U 244(8), and U 244 (11)), shall be repaid to

the Treasurer of the United States and the amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment the Federal-aid projects with respect to which funds have been repaid and any other Federal-aid projects located on such expressway and programed for expenditure on such project, if any, shall be canceled and withdrawn from the Federal-aid highway program. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on any such project shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the States, respectively. The amount so credited shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

RAILROAD RELOCATION DEMONSTRATIONS

SEC. 149. (a) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Lincoln, Nebraska, Wheeling, West Virginia, and Elko, Nevada, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the respective cities. The cities shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads in Lincoln, Nebraska, and the two class 1 railroads in Wheeling, West Virginia, and Elko, Nevada, and multicivic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(b) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Brownsville, Texas, and Matamoros, Mexico, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the Brownsville Navigation District, providing for the construction of an international bridge and for the elimination of a substantial number of existing railway-road conflict points within the cities.

(c) The Federal share payable on account of such projects shall be that provided in section 120 of this title.

(d) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to this section.

(e) There is authorized to be appropriated not to exceed $1,000,000 in the case of Lincoln, Nebraska, $2,000,000 in the case of Wheeling, West Virginia, $1,400,000 in the case of Elko, Nevada, and $2,150,000 in the case of Brownsville, Texas, from the Highway Trust Fund, and not to exceed $2,000,000 in the case of Lincoln, Nebraska, $4,000,000 in the case of Wheeling, West Virginia, $2,800,000 in the case of Elko, Nevada, and $4,300,000 in the case of Brownsville, Texas, from money in the Treasury not otherwise appropriated, for carrying out the provisions of this section.

(f) The Secretary, in cooperation with State highway departments and local officials, shall conduct a full and complete investigation and study of the problem of providing increased highway safety by the relocation of railroad lines from the central area of cities on a nationwide basis, and report to the Congress his recommendations resulting from such investigation and study not later than July 1, 1975, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of title 23, United States Code, are authorized to be used to carry out the investigation and study required by this subsection.

METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 150. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance the cost of providing such facilities for the subway and rapid rail transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90–480 and 91–205. There is authorized to be appropriated, to carry out this section, not to exceed $65,000,000.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

SEC. 151. (a) To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways for transportation of passengers within rural areas, in order to enhance access of rural populations to employment, health care, retail centers, education, and public services, there are authorized to be appropriated $30,000,000 for the two-fiscal-year period ending June 30, 1975, of which $20,000,000 shall be out of the Highway Trust Fund, to the Secretary of Transportation to carry out demonstration projects for public mass transportation on highways in rural areas. Projects eligible for Federal funds under this section shall include highway traffic control devices, the construction of passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and the purchase of passenger equipment other than rolling stock for fixed rail.

(b) In the acquisition of passenger equipment pursuant to this section, the Secretary shall require that such equipment meet the standards prescribed by the Administrator of the Environmental Protection Agency under section 202 of the Clean Air Act, as amended, and under section 6 of the Noise Control Act of 1972 (86 Stat. 1234), and shall authorize the acquisition, wherever practicable, of equipment which meets the special criteria for low-emission vehicles set forth in section 212 of the Clean Air Act, as amended, and for low-noise-emission products set forth in section 15 of the Noise Control Act of 1972 (86 Stat. 1234).

(c) The Secretary shall assure that the provisions of subsection (a) of section 16 of the Urban Mass Transportation Act of 1964, as amended, requiring the planning and design of mass transportation facilities to meet special needs of the elderly and the handicapped (as defined in subsection (d) thereof), shall be implemented in demonstration projects under this section.

INTERSTATE ROUTE NUMBERED 66

SEC. 152. The Secretary of Transportation shall—

(1) by October 1, 1973—

(A) complete the draft environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act, and his determination under section 4(f) of the Department of Transportation Act and section 138 of title 23 of the United States Code, on the project for Interstate Route Numbered 66 in the State of Virginia from the National Capital Beltway to the Potomac River, which project is described in the 1972 estimate of the cost of completing the National System of Interstate and Defense Highways as estimate section termini E 10.4.2 at the Beltway to E 10.11.1 in Rosslyn,

(B) circulate such statement to all interested Federal, State, and local agencies and to the public for comment within forty-five days, and

(C) insure that notice of a public hearing on the design and location of such project is issued;

(2) insure that a public hearing is held within forty-five days after issuance of the notice pursuant to paragraph (1)(C) of this section; and

(3) not later than December 31, 1973, complete consideration of the information received at the hearing, review any comments on the statement received within the forty-five-days notice period referred to in paragraph (1)(B) of this section and any other information received by the end of such forty-five-days period and file the final version of such statement on the basis of such comments and information, together with any other final determination which he is required by law to make in order to permit the construction of such project to proceed. The determination of the Secretary shall be conclusive with respect to all issues of fact.

HIGH-SPEED TRANSPORTATION DEMONSTRATION

SEC. 153. The Secretary is authorized to undertake a demonstration program for high-speed bus service from collection points in the Washington District of Columbia area to Dulles International Airport, Virginia. Such demonstration shall utilize exclusive bus transportation lanes between points of origin and tremination of such service, and include, where necessary, the construction of such exclusive bus transportation lanes as well as terminal and parking facilities. Such demonstration shall also include the purchase of high-speed buses and a portion of the operating expenses, if necessary, of such buses for a period of five years following the initiation of such service. As necessary to implement this section, the Secretary shall undertake research into the development of buses designed to maintain high-speed, safe transportation. There is authorized to be appropriated, out of the Highway Trust Fund, not to exceed $10,000,000 for the purpose of carrying out this section.

HIGHWAY LITTER STUDY

SEC. 154. The Secretary is directed to undertake a study of litter accumulation within the rights-of-way of the Federal-aid highway systems, outside of urban areas, and recommend improved procedures to be used by the several States to prevent and clean us such highway litter on a regular basis. The Secretary shall report his findings and recommendations to the Congress by December 31, 1973.

For the purposes of this section, the term "litter" means beverage and food containers food wastes, paper products, smoking materials or packaging, and any other materials which the Secretary finds are commonly used and discarded by the traveling public and which, when discarded along highway rights-of-way, cause an unsightly appearance, a danger to public health or safety, or an unreasonable expenditure of public funds. Funds authorized to carry out section 307 of title 23, United States Code, are authorized to be used to carry out the investigation and study required by this section.

PROHIBITION OF IMPOUNDMENT

SEC. 155. No part of any sums authorized to be apportioned by the provisions of section 104 of title 23, United States Code, which have been appropriated by Congress for expenditure shall be impounded or withheld from obligation, for the purposes and projects as provided in that title, by an officer or employee of any department, agency, or instrumentality of the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation wtih the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

MASS TRANSPORTATION TAX STUDY

SEC. 155. The Secretary shall conduct a study of revenue mechanisms, including a tax

on fuels used in the provision of urban mass transportation service, which could be used now or in the future to finance transportation activities receiving financial assistance from the Highway Trust Fund. Such study shall include an analysis of the magnitude of the various potential sources of user tax revenues, the rates at which such taxes could be levied (including possible differential rates), the mechanisms for collection of such taxes, the incidence of such taxes, and the potential impact on transit usage caused by such taxes. The Secretary shall report to the Congress the findings of his study by no later than July 1, 1974.

STANDARDS

SEC. 157. Section 109 of title 23, United States Code, is amended by adding at the end thereof the following subsection:

"(k) The Secretary shall not approve any project under this title which would significantly affect the highway system of a contiguous State without the concurrence of that State."

INTERSTATE CONSTRUCTION IN RURAL AREAS

SEC. 158. In order to facilitate the construction of the Interstate System in any rural area,

(a) where a segment or a portion of such system of not more than twelve (12) miles is essential to the development of a connected National System of Interstate and Defense Highways;

(b) where such segment or portion will provide for substantially increased safety of highway travel and assist in the social and economic development of such rural area; and

(c) where a State, acting through its Governor, State Legislature, Department of Public Works and Highways, and Congressional delegation, has formally requested the Secretary to approve the construction of such segment or portion of the Interstate System and action by the Secretary has resulted in the postponement of construction,

it is the sense of the Congress that the Secretary shall give reconsideration to the request of such State to approve the construction of a parkway for such segment or portion as an appropriate connection, notwithstanding any requirement of title 23, United States Code, otherwise requiring a multipurpose highway.

DWIGHT D. EISENHOWER HIGHWAY

SEC. 159. (a) The following segments of the National System of Interstate and Defense Highways which form a continuous interstate highway link from coast to coast are hereby designated as the "Dwight D. Eisenhower Highway":

(1) Interstate Route 70 between Washington, District of Columbia, and Denver, Colorado;

(2) Interstate Route 25 between Denver, Colorado, and Cheyenne, Wyoming; and

(3) Interstate Route 80 between Cheyenne, Wyoming, and San Francisco, California.

(b) Any law, regulation, map, document, record, or other paper of the United States in which such segments are designated or referred to shall be held to designate or refer to such segments as the "Dwight D. Eisenhower Highway".

## TITLE II

THE EMERGENCY COMMUTER RELIEF ACT—AMENDMENTS TO THE URBAN MASS TRANSPORTATION ACT OF 1964

SEC. 201. The Congress finds—

(1) that over 70 per centum of the Nation's population lives in urban areas;

(2) that transportation is the lifeblood of an urbanized society and the health and welfare of that society depends upon the provision of efficient economical and convenient transportation within and between its urban areas;

(3) that for many years the mass transportation industry satisfied the transportation needs of the urban areas of the country capably and profitably;

(4) that in recent years the maintenance of even minimal mass transportation service in urban areas has become so financially burdensome as to threaten the continuation of this essential service;

(5) that the termination of such service or the continued increase in its cost to the user is undesirable, and may have a particularly serious adverse effect upon the welfare of a substantial number of lower income persons;

(6) that some urban areas are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their mass transportation operations; and

(7) that immediate substantial Federal assistance is needed to enable many mass transportation systems to continue to provide vital service.

SEC. 202. (a) The fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for any such project to be assisted under section 3 (other than a project for payment of operating expenses) shall be in an amount equal to 90 per centum of the net project cost.".

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

SEC. 203. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "No" in the fifth sentence of subsection (a) and inserting in lieu thereof "Except as provided in subsection (f), no"; and

(2) by adding at the end thereof a new subsection as follows:

"(f) The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants or loans to any State or local public body to enable it to assist any mass transportation system which maintains mass transportation service in an urban area to pay operating expenses incurred as a result of providing such service. No financial assistance shall be provided under this subsection unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed to carry out a program referred to in section 4(a), and (2) the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis, and (3) the Secretary determines that the mass transportation services provided by each system that the mass transportation services provided by each system involved is being provided by an efficient operation of such system in accordance with regulations promulgated by the Secretary.

"The amount of any grant under this subsection to a State or local public body to enable it to assist any mass transportation system to pay operating expenses shall not exceed twice the amount of financial assistance provided from State or local sources for that purpose. The Secretary shall issue such regulations as he deems necessary to administer this subsection in an equitable manner. Such regulations shall include appropriate definitions of (A) operating expenses, and (B) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant."

(b) The fourth sentence of section 4(a) of such Act is amended by striking out "section 3" and inserting in lieu thereof "section 3 (other than subsection (f))".

(c) Section 4(c) of such Act is amended—

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

(2) by striking out "sections 3, 7(b), and 9" and inserting in lieu thereof "section 3 (except subsection (f)), and sections 7(b) and 9";

(3) by striking out "this subsection" wherever it appears and inserting in lieu thereof "this paragraph"; and

(4) by adding at the end thereof a new paragraph as follows:

"(2) To finance grants and loans under section 3(f) of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $800,000,000. This amount shall become available for obligation upon the date of enactment of this paragraph and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed $400,000,000 prior to July 1, 1974, which amount may be increased to not to exceed an aggregate of $800,000,000 prior to July 1, 1975. Sums so appropriated shall remain available until expended."

(d) Section 4(c) of such Act is amended by striking out "$3,100,000,000" in the first and third sentences and inserting lieu thereof "$6,100,000,000".

(e)(1) Section 12(c) of such Act is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(C) by adding after paragraph (5) a new paragraph as follows:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service.".

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

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

SEC. 204. Section 9 of the Urban Mass Transportation Act of 1964 is amended as follows:

(a) insert "(a)" before the first sentence;

(b) in the first sentence, delete the words "engineering, and designing" and insert in lieu thereof the words "engineering, designing, and evaluation";

(c) in the second sentence, delete the word "and" before "(3)", delete the period at the end of the sentence, and insert "; and (4) evaluation of such projects after their implementation." at the end of the sentence;

(d) in the third sentence, change the word "section" to "subsection" and insert the words "90 per centum" in lieu of "two-thirds"; and

(e) add the following new subsection:

"(b) The Secretary is authorized to utilize not to exceed one-half of 1 per centum of the authorization provided in section 4(c) to carry out technical studies by contract without limitation on the Federal share of the cost."

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BENTSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the bill (S. 502) be printed as passed by the Senate and that 1,000 copies be available for use of the Committee on Public Works.

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

Mr. ROBERT C. BYRD. Mr. President, I want to extend my congratulations to the distinguished senior Senator from West Virginia, my colleague, who is chairman of the Committee on Public Works, on the excellent work he has done in connection with this very difficult and complex bill.

I want also to extend my congratulations to the distinguished manager of the bill, the Senator from Texas (Mr. BENTSEN), who has demonstrated a complete knowledge of the bill and who has handled this bill with thoroughness and expertise and a degree of skill that I think sets a fine example for all of us here. We are proud of the work that he has done. This is the first year he has managed the highway bill, and the Senate is indebted to him.

I also want to extend my congratulations to the distinguished ranking minority member of the committee, the Senator from Tennessee (Mr. BAKER).

All of these men have cooperated in a very fine way, and I think they have aided the Senate in passing an excellent bill.

Mr. BENTSEN. Mr. President, I thank the distinguished assistant majority leader, whose advice and counsel and guidance have been so helpful.

Mr. GRIFFIN. Mr. President, if the Senator will yield, not to prolong the discussion, but only to make it clear that those sentiments are shared by the leadership on both sides of the aisle, I want to join in what the distinguished assistant majority leader has said about the leadership of the chairman of the committee, the Senator from West Virginia, the distinguished Senator from Texas (Mr. BENTSEN), who is floor manager of the bill, the ranking minority member on the committee, the Senator from Tennessee (Mr. BAKER), and the distinguished Senator from Vermont (Mr. STAFFORD), who worked so hard on this side of the aisle.

Mr. ROBERT C. BYRD. Mr. President, I inadvertently omitted the name of Mr. STAFFORD. I want to include his name in my remarks, and I want to express appreciation also for the very fine cooperation the leadership received on both sides of the aisle in expediting action on this bill and in getting unanimous-consent agreements.

## ORDER FOR PRINTING ADDITIONAL COPIES OF HEARINGS ON SUDDEN INFANT DEATH SYNDROME

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 71.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The assistant legislative clerk read the concurrent resolution (S. Con. Res. 13) by title, as follows:

A concurrent resolution authorizing the printing of additional copies of Senate hearings on the sudden infant death syndrome.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 13) was considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed two thousand additional copies of part 1 of the hearings held by the Subcommittee on Children and Youth of the Senate Committee on Labor and Public Welfare entitled "Rights of Children, 1972 (Examination of the Sudden Infant Death Syndrome)", dated January 25, 1972. Such additional copies shall be for the use of the Senate Committee on Labor and Public Welfare.

## STATE OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, all measures on the calendar that have been previously cleared for action have now been disposed of. The calendar is almost like old mother Hubbard's cupboard. It is almost bare, and the leadership on both sides of the aisle, I am sure, would want to join in expressing appreciation to all Senators for the excellent work that has been done in helping to keep the calendar virtually clean.

## ORDER FOR RECOGNITION OF SENATOR TALMADGE ON MONDAY, MARCH 19, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. TALMADGE on tomorrow be carried over until Monday next.

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

## ORDER FOR RECOGNITION OF SENATOR GRIFFIN ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Georgia on Monday next, the distinguished assistant Republican leader (Mr. GRIFFIN) be recognized for not to exceed 15 minutes.

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

## ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the distinguished assistant Republican leader on Monday next, I be recognized for not to exceed 15 minutes.

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

## ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the orders for recognition of Senators on Monday next, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes each.

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

## ORDER FOR CONSIDERATION OF S. 398, THE ECONOMIC STABILIZATION ACT, ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business on Monday, the Senate proceed to the consideration of S. 398, the Economic Stabilization Act.

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

## AUTHORIZATION FOR COMMITTEES TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to file reports until 5 p.m. tomorrow.

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

## AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES AND FOR APPROPRIATE REFERENCE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate may be authorized to receive messages from the House of Representatives and the President of the United States and that they may be appropriately referred.

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

## AUTHORIZATION FOR SIGNING OF DULY ENROLLED BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment over until Monday next, the Vice President, the President pro tempore, and the Acting President pro tempore may be authorized to sign all duly enrolled bills and joint resolutions.

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

## PRIVILEGE OF THE FLOOR DURING CONSIDERATION OF S. 398

Mr. GRIFFIN. Mr. President, on behalf of the Senator from New York (Mr. JAVITS), I ask unanimous consent that a member of his staff, Mr. Les Bander, be permitted on the floor during consideration of S. 398, the bill to amend the Economic Stabilization Act.

Mr. ROBERT C. BYRD. Mr. President, I do not object. The Senator knows that, but, for the edification of the Sergeant at Arms, does the distinguished Senator from New York want the staff member to be on the floor during rollcall

votes? Unless that is included in the request, as the Senator knows, the Sergeant at Arms, under the regulations, is ordered——

Mr. GRIFFIN. What has been the general practice when Senators ask for such permission?

Mr. ROBERT C. BYRD. Unless Senators ask that specifically, the staff members will have to leave the floor. Perhaps the Senator would want to include roll-call votes in this instance.

Mr. GRIFFIN. I do include that.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 12 o'clock noon on Monday. The distinguished senior Senator from Georgia (Mr. TALMADGE) will be recognized for not to exceed 15 minutes. After Mr. TALMADGE has completed his remarks, the distinguished Senator from Michigan (Mr. GRIFFIN) will be recognized for not to exceed 15 minutes, after which the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes. There will then be a period for the transaction of routine morning business not to exceed 30 minutes, with statements limited therein to 3 minutes each.

At the conclusion thereof, the Senate will proceed to the consideration of S. 398, the Economic Stabilization Act, on which there is a time agreement. Yea-and-nay votes can be expected. It is anticipated that the Senate will not complete action on that bill on Monday, but it is hoped that on Monday it will be possible, perhaps, to reach an agreement as to an hour at which the Senate can dispose of the bill on Tuesday. In any event, it is hoped that the bill will be disposed of on Tuesday.

The leadership hopes that committees will take advantage of the Friday adjournment so as to clear bills and resolutions for early floor action.

### ADJOURNMENT UNTIL MONDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and at 6:45 p.m., the Senate adjourned until Monday, March 19, 1973, at 12 o'clock meridian.

# EXTENSIONS OF REMARKS

## TREAT DISEASE, NOT SYMPTOMS

### HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Wednesday, March 14, 1973*

Mr. HARRY F. BYRD, JR. Mr. President, an interesting analysis of the financial condition of the Federal Government is contained in an editorial published in the February 7 edition of the Tulsa Tribune.

The editorial points out that we have serious problems with foreign trade and tariffs, that there are recurring runs against the American dollar and that—

We have tried in lots of ways to patch the holes in the ship of state.

These efforts to patch holes have not been successful, the editorial says, because we have not attacked the basic problem: The excessive spending of the Federal Government, which leads to huge deficits and weakens the dollar all around the world.

The dollar will not be strengthened, and inflation will not be brought under control, until we succeed in putting a lid on Federal spending.

The editorial writer of the Tulsa Tribune is Mr. Charles Saterlee.

I ask unanimous consent that the editorial, "Treat Disease, Not Symptoms," be included in the Extensions of Remarks.

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

[From the Tulsa Tribune, Feb. 7, 1973]

TREAT DISEASE, NOT SYMPTOMS

We have struggled with foreign trade and tariffs. We have read of recurring runs against the American dollar. And we have tried in lots of ways to patch the holes in the ship of state.

But we have steadily refused to admit that we were treating symptoms instead of the disease. The disease is the basic financial instability of the American economy, made worse very year by excessive government spending. That leads to deficits, high taxes and distrust of the dollar around the world.

Our current national debt is about $465 billion. Under the President's proposed new budget this would rise to $505 billion. And we must pay interest on that debt. A half-trillion in national debt is a figure so large that the mind has trouble coming to grips with it.

But put it this way. Of every dollar in federal taxes you pay, 17 cents goes to pay interest on federal debt.

The figures have been brought into merciless focus by Virginia's Sen. Harry F. Byrd Jr. The Byrds, father and son, have frequently been mavericks in the Senate. They usually deal in unpalatable truths while others are talking about the great new world that's just around the corner. Here's what Sen. Byrd told his Senate colleagues the other day:

"Out of the total national debt, 25 per cent will have been incurred in a five-year period. In that five-year period, one-fourth of the total national debt will have been incurred.

"That means that the other 75 per cent was incurred during a period of well over a hundred years, during which time we fought the Civil War, the Spanish-American War, World War I, World War II, the Korean War and part of the Vietnam War."

Byrd displayed statistics from the Treasury Department showing that in the comparatively modern period from 1955 to fiscal 1974, the nation's debt interest rose from $6.4 billion to $26.1 billion a year.

The current national debt amounts to about $2,500 for every man, woman and child in the nation. Thus, a family of four is in hock for government debt to the tune of $10,000. As Sen. Robert C. Byrd of West Virginia pointed out, that amounts to $505 for every minute since the birth of Christ.

The Virginia Byrd pointed out, "When 13 governors appeared before the Finance Committee last year to argue in favor of revenue sharing (a new outlay of about $30 billion) I put the challenge to the governors: Can you name any state in the Union, any one of the 50 states, that is in as bad a shape financially as is the federal government? None of them could name a state."

The lesson is clear. The dollar is only as strong as the economy it represents. That's why foreign investors shy away from the once-invincible dollar. At home, the activity generated by that federal spending pushes inflation ever-higher, making pay checks more inadequate. That touches off more pay raises, price hikes and inflation.

Virginia's Byrd declares: "I say there is no revenue to share. The only thing we can share with the states is the deficits."

But the lesson is deeper. Unless we can put our house in order, unless we can live within our means, we are heading straight toward the shoals of ruinous inflation and the chaos that goes with it. No matter how worthy the cause, we must refuse endless new spending plans. The alternative is wreckage of family security. And that means all of us.

## LET US GET AMERICA BACK TO WORK

### HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 13, 1973*

Mr. GOODLING. Mr. Speaker, Thomas Carlyle once commented as follows:

The glory of a workman, still more of a master-workman, that he does his work well, ought to be his most precious possession; like the honor of a soldier, dearer to him than life.

Some sociologists in our midst feel that the multitude of problems that are encompassing us today can be attributed to the fact that we, as individual workers, are giving but shallow attention to the work ethic. The result, they claim, is a great vacuum into which is drawn a host of human negatives; that is, things like reduced productivity, uncertainty, and worry. It was Dr. Charles H. Mayo who said—

Worry affects the circulation, the heart, the glands, the whole nervous system. I have