who was recently crowned the new Arkansas track and field king.

Larry took the second-day lead in the State's decathlon after the first event, compiled an overwhelming margin in the next two events, and strolled away with the State's top track and field prize.

Larry, who thinks of himself as an unknown among sports figures in Arkansas, certainly got his message over to the public. Amassing 7,327 points during the 2-day meet, Lawrence captured the decathlon in his first competition.

I take great pride in saluting the accomplishments of this fine young athlete.

# SENATE—*Wednesday, June 5, 1974*

The Senate met at 10:30 a.m., and was called to order by Hon. ROBERT DOLE, a Senator from the State of Kansas.

PRAYER

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

Our father's God and our God, as again we turn to waiting tasks, we pray that our day may be illuminated by Thy pervading presence. May the trust of our dear ones, the confidence of those who believe in us, the spur of conscience to do our best, and the commanding call of goodness lift our efforts above our feeble humanity. In our tormented and troubled times guide us to the truth. May we seek no glory but the supreme satisfaction of rendering to the Nation and to the world our utmost service, untarnished by base thoughts or self-interest. Anoint us with Thy spirit and keep us by Thy grace for we need Thee every hour. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., June 5, 1974.*

*To the Senate:*

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

JAMES O. EASTLAND,
*President pro tempore.*

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

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 4, 1974, be dispensed with.

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

## CONSIDERATION OF CERTAIN ITEMS ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 865, 867, 870, 871, and 872.

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

The Clerk will state the first bill by title.

## AMENDMENT OF ANADROMOUS FISH CONSERVATION ACT

The Senate proceeded to consider the bill (H.R. 11295) to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such act, and for other purposes, which had been reported from the Committee on Commerce with an amendment on page 2, after line 3, insert a new section, as follows:

SEC. 3. Subsection (a) of the first section of Anadromous Fish Conservation Act (16 U.S.C. 757a(a)) is amended by striking out "shall not exceed 50 per centum" and inserting in lieu thereof "shall not exceed 75 per centum".

(b) Subsection (c) of the first section of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)) is amended by striking out "60 per centum" and inserting in lieu thereof "80 per centum".

(c) Subsection (a) of section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d(a)) is amended by striking out "$10,000,000" and inserting in lieu thereof "$20,000,000".

Mr. STEVENS. Mr. President, we are considering today H.R. 11295, legislation which will authorize a 5-year extension of the Anadromous Fish Conservation Act, and which, as amended by the Commerce Committee, will increase the authorization and Federal share of costs under the act.

Since its enactment in 1965, the Anadromous Fish Conservation Act has effectively contributed to the conservation, development, and enhancement of such species as Pacific and Atlantic salmon, steelhead, shad, striped bass, searun cutthroat, and Dolly Varden trout—fish which originate in freshwater, then migrate to saltwater where they live a large portion of their lives, then return to the freshwaters of their origin to spawn and regenerate their kind. These fish and certain migratory species of the Great Lakes, covered by this act, constitute a priceless national resource providing generous portions of protein for our tables and countless hours of recreation for sports fishermen. Moreover, commercial fishing and processing of these species account for thousands of jobs in widespread areas of our Nation.

It is crucial to the spawning of these fish that the streams and pools where they originate be clean and healthy. Their far-ranging migratory nature exposes them to numerous hazards—pollution, blockage by dams, weather extremes, and unmanaged foreign fishing efforts. Delay or prevention of a spawning run can eliminate the entire population and future generations of that run. The Anadromous Fish Conservation Act was created through recognition that these fish are a resource of national significance and that the many costly steps which can be taken for their protection should not fall totally on the shoulders of the already financially overburdened States.

Since fiscal year 1967, the first year of funding under this act, 29 States have matched, dollar for dollar, over $16 million in Federal investment in the anadromous fish program. The Department of the Interior, in considering the value of commercial and sports fishing activities relative to anadromous fish, estimates there has been over $300 million in return to the States generated by this program. The 321 projects funded thus far include such endeavors as hatchery and rearing pond construction and modification, installation of fish ladders and screens at hydroelectric damsites, reclamation of spawning lakes and streams, and research.

Effective as the program has been, there is a need for its enlargement if we are to more fully realize the productivity potential of our rivers and streams. This need is compounded by increased losses of anadromous fish because of the development of our rivers for other purposes. Also, as I touched upon before, our anadromous fish are falling victim to uncontrolled foreign fishing operations—a situation beyond the control of our States and placing them in desperate need for increased financial assistance. A prime example of this is the present condition of Alaska's Bristol Bay red salmon fishery, once the largest in the world, now at such a serious state of depletion that domestic fishermen this year must stay off their grounds to hopefully effect a recovery of the spawning stock.

The bill which we are considering would permit the Federal Government to pay up to 75 percent of the project costs, as compared with 50 percent under the present program. In cases where States administer programs jointly, this legislation would allow an 80-percent Federal share as compared with the present 60 percent. Finally, the bill increases

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

the annual authorization from $10 million to $20 million for 5 fiscal years.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## BRIDGEPORT INDIAN COLONY, MONO COUNTY, CALIF.

The bill (S. 283) to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif., 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 all of the right, title, and interest of the United States in the following described public domain land located in Mono County, California, are hereby declared to be held by the United States in trust for the Bridgeport Indian Colony:

The southeast quarter of the northeast quarter of section 28, township 5 north, range 25 east, Mount Diablo base and meridian, Mono County, California, containing forty acres more or less.

*Provided further,* That said parcel shall be subject to the easement to the Bridgeport Public Utility District for a sewer main.

## ENERGY-RELATED RESEARCH AND DEVELOPMENT

The resolution (S. Res. 333) authorizing the printing of additional copies of the committee print entitled "Energy-Related Research and Development," was considered and agreed to, as follows:

*Resolved,* That there be printed for the use of the Committee on Aeronautical and Space Sciences two thousand one hundred additional copies of its committee print of the current session entitled "Energy-Related Research and Development".

## PROCUREMENT OF OIL PORTRAIT AND MARBLE BUST OF FORMER CHIEF JUSTICE EARL WARREN

The resolution (S.J. Res. 123) authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Marshal of the Supreme Court of the United States, subject to the direction and approval of the Chief Justice of the United States, is authorized and directed to procure an oil portrait and a marble bust, including pedestal, of the former Chief Justice Earl Warren and to cause them to be placed in the United States Supreme Court Building.

(b) There is authorized to be appropriated $25,000 to carry out the purposes of this joint resolution.

## PRINTING OF SUMMARIES OF VETERANS' LEGISLATION

The concurrent resolution (H. Con. Res. 415) authorizing the printing of summaries of veterans' legislation reported in the House and Senate during the 93d Congress, was considered and agreed to.

## COMMITTEE MEETINGS DURING SENATE SESSION

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

The PRESIDING OFFICER (Mr. METZENBAUM). Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, because of the fact that the distinguished chairman of the Appropriations Committee has a meeting pending at this time, I will withhold my other requests, but I ask that I be recognized when the distinguished Senator from Arkansas is through with his work.

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

## SECOND SUPPLEMENTAL APPROPRIATIONS, 1974—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on H.R. 14013, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14013) making supplement appropriation for the fiscal year ending June 30, 1974, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of May 29, 1974, at pages 16732–33).

Mr. McCLELLAN. Mr. President, the conference agreement on the second supplemental appropriations bill for the fiscal year 1974 (H.R. 14013) which is now before the Senate, includes appropriations in the amount of $9,301,474,398 in new budget obligational authority.

The Senate conferees took into the conference a bill which provided appropriations of $9,645,935,398 in new budget obligational authority. The House bill contained $8,811,662,043 in new budget obligational authority. The revised budget estimates totaled $11,100,530,077.

Thus, the pending measure is $1,799,055,679 under the budget estimates, $344,461,000 under the total sum passed by the Senate and $489,812,355 more than the amount passed by the House.

Included in the final amount agreed upon is the $530 million estimated cost of the fiscal year 1973 retroactive pay increase, arising from a recent decision of the U.S. court of appeals; provision for which was recommended to the Senate in Senate Document 93–72 and included in the Senate-passed bill. The exact effect on new obligational authority is not known at this time inasmuch as an indefinite appropriation is provided.

Of the total $9,301,474,398 recommended in this report, $3,874,791,595 is to finance increased pay and related costs.

The conference agreement also recommends transfers between appropriations totaling $68,778,800 in lieu of providing new budget authority in these amounts. The amount provided in transfer authority is $14,184,800 less than the amount requested, $226,340,000 less than the amount provided by the Senate and $119,000 less than the House bill provided.

Mr. President, rather than detail each item in the conference report, I will briefly summarize the major changes between the Senate and House versions agreed upon by the conferees contained in title I, the general supplementals section.

Chapter I, Agriculture, Environmental and Consumer Protection, provides new budget authority of $613,891,000, which is $2,750,000 less than the amount provided by the Senate, $53,661,000 more than provided in the House bill and $38,241,000 more than the original budget estimate.

Chapter II of the bill includes funds for the Department of Defense, exclusive of increased pay costs which are in titles II and III. The supplemental request was for $3,412,741,000; the House allowed $2,327,412,000, while the Senate voted $2,330,112,000. The conference agreement provides for new budget authority of $2,139,312,000—a reduction of $1,273,429,000 under the budget request, $188,100,000 below the House allowance and $190,300,000 under the amount provided by the Senate.

The Senate bill included a provision making those items funded in the bill which require authorization contingent upon the enactment of authorizing legislation. The Armed Services conferees filed a report on the supplemental defense authorization bill prior to a final agreement by the Appropriations conferees. Those items not authorized by the authorization conference agree-

ment were deleted by the Appropriations conference and the Senate contingency language, now being moot, was dropped.

The conference agreement provides no funds for military construction on the Island of Diego Garcia because they were not authorized. Thus, the matter is deferred until the military construction bill for fiscal year 1975 is considered. As the authorization includes $24.8 million for long lead time items for Trident submarines II and III, the conference agreement includes these funds.

In chapter III, the District of Columbia, the conferees deleted the full budget request of $2,550,000 in new budget authority.

In chapter IV, for Foreign Operations, the conferees agreed to $49,250,000, which represents an increase of $250,000 over the House bill and $34,000,000 over the Senate bill.

In chapter V, Housing and Urban Development, Space, Science and Veterans, the conferees agreed upon an appropriation of $211,945,000 which is $32,600,000 over the House version and a reduction of $67,400,000 below the Senate bill. This is $249,029,000 below the budget request.

For the Interior Department and related agencies, chapter VI of the bill, the conferees settled upon $159,849,000. This is a reduction of $3,106,000 below the budget request; an increase of $100,000 over the House bill and a decrease of $50,000 below the Senate version.

In chapter VII, Labor and Health, Education, and Welfare, the conferees recommend items totaling $1,354,206,000, which represents an increase of $68,871,000 over the budget request and $65,004,000 over the House bill, and a reduction of $69,234,000 below the Senate version. The conferees deleted $226,340,000 in transfer authority from the bill.

In chapter VIII, the legislative branch, the conferees agreed to the full Senate appropriation of $5,941,355 which is a reduction of $259,450 below the budget request and an increase of $3,124,855 over the House bill.

In chapter IX, Public Works-AEC, the conferees agreed to the full Senate appropriation of $107 million in new budget authority. This is a decrease of $700,000 from the budget estimates, and an increase of $20 million over the House bill.

In chapter X, the Departments of State, Justice, Commerce, the judiciary and related agencies, the conferees agreed to a total of $42,493,000 in new budget authority. This sum is $8,063,000 below the budget estimates of $50,556,000 and $3,555,000 above the House allowance and a reduction of $5,381,000 below the Senate bill.

In chapter XI, the Department of Transportation and related agencies, the conferees recommend appropriations totaling $139,340,000. This represents an increase of $39,586,000 over the House allowance, a reduction below the budget requests of $37,442,000 and a reduction of $24,644,000 below the Senate bill.

In chapter XII, for Treasury, Postal Service, and General Government, the conferees recommend supplemental appropriations totaling $582,478,000. The amount recommended is $13,514,000 over the House allowance, $21,879,000 below the budget, and $20 million over the Senate bill.

I have endeavored to briefly summarize the main items that appear in this report pending before us. I ask unanimous consent to have printed in the RECORD a tabulation which shows the amounts of the budget estimates, the amounts in the House- and Senate-passed bills, and the amounts agreed to in conference for each item.

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

2D SUPPLEMENTAL APPROPRIATIONS, 1974—H.R. 14013 SUMMARY

| Chapter No. | Department or activity | Budget estimate | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|---|
| | TITLE I—GENERAL SUPPLEMENTALS | | | | |
| I | Agriculture—Environmental and Consumer Protection: | | | | |
| | New budget (obligational) authority | $575,650,000 | $560,230,000 | $616,641,000 | $613,891,000 |
| | By transfer | (15,000,000) | | | |
| II | Defense: New budget (obligational) authority | 3,412,741,000 | 2,327,412,000 | 2,330,112,000 | 2,139,312,000 |
| III | District of Columbia: | | | | |
| | Federal funds: New budget (obligational) authority | 2,550,000 | | 2,550,000 | |
| | District of Columbia funds: New budget (obligational) authority | (12,134,400) | (12,092,400) | (12,134,400) | (12,134,400) |
| IV | Foreign Operations: New budget (obligational) authority | 54,000,000 | 49,000,000 | 15,250,000 | 49,250,000 |
| V | Housing and Urban Development, Space, Science, and Veterans: New budget (obligational) authority | 460,974,000 | 179,345,000 | 279,345,000 | 211,945,000 |
| VI | Interior and related agencies: New budget (obligational) authority | 162,955,000 | 159,749,000 | 159,899,000 | 159,849,000 |
| VII | Labor, and Health, Education, and Welfare: | | | | |
| | New budget (obligational) authority | 1,285,335,000 | 1,289,202,000 | 1,423,440,000 | 1,354,206,000 |
| | By transfer | | | (226,340,000) | |
| | Trust funds limitation | (111,766,000) | (111,766,000) | (107,766,000) | (107,766,000) |
| VIII | Legislative branch: | | | | |
| | New budget (obligational) authority: | | | | |
| | 1974 | 5,900,805 | 2,516,500 | 5,941,355 | 5,941,355 |
| | 1973 | 300,000 | 300,000 | | |
| | Total | 6,200,805 | 2,816,500 | 5,941,355 | 5,941,355 |
| (IX) | Military Construction: New budget (obligational) authority | 29,000,000 | 29,000,000 | | |
| IX | Public Works: New budget (obligational) authority | 107,700,000 | 87,000,000 | 107,000,000 | 107,000,000 |
| X | State, Justice, Commerce, and Judiciary: | | | | |
| | New budget (obligational) authority | 50,556,000 | 38,938,000 | 47,874,000 | 42,493,000 |
| | By transfer | (5,000,000) | (5,000,000) | (5,000,000) | (5,000,000) |
| | Liquidation of contract authority | (23,000,000) | (23,000,000) | (23,000,000) | (23,000,000) |
| XI | Transportation: New budget (obligational) authority | 176,782,000 | 99,754,000 | 163,984,000 | 139,340,000 |
| | By transfer | | (7,500,000) | (8,218,000) | (8,218,000) |
| XII | Treasury, Postal Service, and General Government: | | | | |
| | New budget (obligational) authority | 604,357,000 | 568,964,000 | 562,478,000 | 582,478,000 |
| XIII | Claims and judgments: New budget (obligational) authority | 20,977,448 | 20,977,448 | 20,977,448 | 20,977,448 |
| | Total, title I—General Supplementals: | | | | |
| | New budget (obligational) authority: | | | | |
| | 1974 | 6,949,478,253 | 5,412,087,948 | 5,735,491,803 | 5,426,682,803 |
| | 1973 | 300,000 | 300,000 | | |
| | Total | 6,949,778,253 | 5,412,387,948 | 5,735,491,803 | 5,426,682,803) |
| | By transfer | (20,000,000) | (12,500,000) | (239,558,000) | (13,218,000) |
| | Increase in limitation | (111,766,000) | (111,766,000) | (107,766,000) | (107,766,000) |
| | Liquidation of contract authority | (23,000,000) | (23,000,000) | (23,000,000) | (23,000,000) |
| | District of Columbia Funds (NOA) | (12,134,400) | (12,092,400) | (12,134,400) | (12,134,400) |

Footnotes at end of table.

2D SUPPLEMENTAL APPROPRIATIONS, 1974—H.R. 14013 SUMMARY—Continued

| Chapter No. | Department or activity | Budget estimate | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|---|
| | TITLE II AND III—INCREASED PAY COSTS | | | | |
| | Title II, Regular Increased Pay Costs: | | | | |
| | New budget (obligational) authority | $3,620,751,824 | $3,399,274,095 | $3,380,443,595 | $3,344,791,595 |
| | By transfer | (62,963,600) | (56,397,800) | (55,560,800) | (55,560,800 |
| | Increase in limitation | (19,602,000) | (15,021,000) | (15,373,000) | (15,373,000) |
| | Liquidation of contract authority | (6,000,000) | (5,500,000) | (5,500,000) | (5,500,000) |
| | Title III, Fiscal Year 1973 Retroactive Increased Pay Costs (Indefinite) | [1] 530,000,000 | ---------- | [1] 530,000,000 | [1] 530,000,000 |
| | Total, titles II and III, pay costs: | | | | |
| | New Budget (obligational) authority: | | | | |
| | Definite | 3,620,751,824 | 3,399,274,095 | 3,380,443,595 | 3,344,791,595 |
| | Indefinite | [1] 530,000,000 | ---------- | [1] 530,000,000 | 530,000,000 |
| | Total | 4,150,751,824 | 3,399,274,095 | 3,910,443,595 | 3,874,791,595 |
| | By transfer | (62,963,600) | (56,397,800) | (55,560,800) | (55,560,800) |
| | Increase in limitation | (19,602,000) | (15,021,000) | (15,373,000) | (15,373,000) |
| | Liquidation of contract authority | (6,000,000) | (5,500,000) | (5,500,000) | (5,500,000) |
| | RECAPITULATION—TITLES I, II AND III | | | | |
| | Total new budget (obligational) authority: | | | | |
| | 1974: | | | | |
| | Definite | 10,570,230,077 | 8,811,362,043 | 9,115,935,398 | 8,771,474,398 |
| | Indefinite | 530,000,000 | ---------- | [1] 530,000,000 | [1] 530,000,000 |
| | Total, 1974 | 11,100,230,077 | 8,811,362,043 | 9,645,935,398 | [1] 9,301,474,398 |
| | 1973 | 300,000 | 300,000 | ---------- | ---------- |
| | Grand total | 11,100,530,077 | 8,811,662,043 | 9,645,935,398 | 9,301,474,398 |
| | By transfer | (82,963,600) | (68,897,800) | (295,118,800) | (68,778,800) |
| | Increase in limitation | (131,368,000) | (126,787,000) | (123,139,000 | (123,139,000) |
| | Liquidation of contract authority | (29,000,000) | (28,500,000) | (28,500,000) | (28,500,000) |

[1] Approximate estimate of cost for the three months fiscal year 1973 retroactive pay increases. Fiscal year 1973 unobligated balances are restored to agencies for use to help meet the added costs and fiscal year 1974 available balances will likewise be used to meet the additional costs. Therefore, it is expected that some of the costs will be absorbed. Thus, the aggregate additional appropriation under this provision should be actually less than the $530,000,000. (S. Doc. 93-72)

2D SUPPLEMENTAL APPROPRIATIONS, 1974—H.R. 14013 SUMMARY—Continued

| H. Doc. No. | Department or activity | Budget estimate | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|---|
| | CHAPTER I | | | | |
| | AGRICULTURAL, ENVIRONMENTAL AND CONSUMER PROTECTION PROGRAMS | | | | |
| | Department of Agriculture | | | | |
| | Science and Education | | | | |
| 93-236 | Animal and Plant Health Inspection Services | $3,730,000 | $3,730,000 | $3,730,000 | $3,730,000 |
| 93-266 | Agriculture Marketing Service (section 32 funds) | (15,000,000) | ---------- | ---------- | ---------- |
| | Rural Development Programs | | | | |
| 93-266 | Rural Development Service | 170,000 | ---------- | ---------- | ---------- |
| | Soil Conservation Service | | | | |
| ------- | Watershed and flood prevention operations | ---------- | 20,000,000 | 26,161,000 | 23,661,000 |
| | Consumer Programs | | | | |
| | Independent Agencies | | | | |
| 93-227 | Federal Trade Commission | 250,000 | ---------- | 250,000 | ---------- |
| | Department of Agriculture | | | | |
| | Food and Nutrition Service | | | | |
| 93-266 | Child nutrition programs | 71,500,000 | 86,500,000 | 86,500,000 | 86,500,000 |
| 93-266 | Food stamp program | 500,000,000 | 450,000,000 | 500,000,000 | 500,000,000 |
| | Section 32 funds | (15,000,000) | ---------- | ---------- | ---------- |
| | Total, chapter I new budget (obligational) authority | 575,650,000 | 560,230,000 | 616,641,000 | 613,891,000 |
| | CHAPTER II | | | | |
| | DEPARTMENT OF DEFENSE—MILITARY | | | | |
| | Military Personnel | | | | |
| 93-266 | Military personnel, Army | 40,200,000 | 40,200,000 | 40,200,000 | 40,200,000 |
| | Military personnel, Navy | 26,500,000 | 20,300,000 | 16,000,000 | 16,000,000 |
| | Military personnel, Marine Corps | 8,100,000 | 8,100,000 | 8,100,000 | 8,100,000 |
| | Military personnel, Air Force | 53,300,000 | 50,800,000 | 50,800,000 | 50,800,000 |
| | Reserve personnel, Army | 600,000 | ---------- | ---------- | ---------- |
| | Reserve personnel, Air Force | 200,000 | ---------- | ---------- | ---------- |
| | Total, military personnel | 128,900,000 | 119,400,000 | 115,100,000 | 115,100,000 |
| | Retired Military Personnel | | | | |
| 93-266 | Retired pay, Defense | 468,800,000 | 468,800,000 | 468,800,000 | 468,800,000 |

| H. Doc. No. | Department or activity | Budget estimate | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|---|
| | **Operation and Maintenance** | | | | |
| 93-266 | Operation and maintenance, Army | $209,040,000 | $116,147,000 | $116,147,000 | $116,147,000 |
| | Operation and maintenance, Navy | 359,600,000 | 242,475,000 | 341,675,000 | 309,175,000 |
| | Operation and maintenance, Marine Corps | 16,800,000 | 13,400,000 | 13,400,000 | 13,400,000 |
| | Operation and maintenance, Air Force | 291,850,000 | 224,650,000 | 261,350,000 | 251,350,000 |
| | Operation and maintenance, Defense agencies | 830,000 | 830,000 | 830,000 | 830,000 |
| | Operation and maintenance, Navy Reserve | 30,000,000 | 17,700,000 | 21,000,000 | 21,000,000 |
| | Operation and maintenance, Marine Corps Reserve | 30,000 | 30,000 | 30,000 | 30,000 |
| | Operation and maintenance, Air Force Reserve | 7,000,000 | 7,000,000 | 9,500,000 | 9,500,000 |
| | Operation and maintenance, Army National Guard | 3,210,000 | 780,000 | 780,000 | 780,000 |
| | Operation and maintenance, Air National Guard | 16,000,000 | 14,000,000 | 22,300,000 | 22,300,000 |
| | Total, operation and maintenance | 934,360,000 | 637,012,000 | 787,012,000 | 744,512,000 |
| | **Procurement** | | | | |
| 93-266 | Aircraft procurement, Army | 22,000,000 | 16,000,000 | 16,000,000 | 16,000,000 |
| | Missile procurement, Army | 84,400,000 | 76,600,000 | 76,600,000 | 76,600,000 |
| | Procurement of weapons and tracked combat vehicles, Army | 121,800,000 | 71,100,000 | 58,600,000 | 71,100,000 |
| | Procurement of ammunition, Army | 268,000,000 | 200,000,000 | 150,000,000 | 150,000,000 |
| | Other procurement, Army | 56,700,000 | 45,500,000 | 35,500,000 | 35,500,000 |
| | Aircraft procurement, Navy | 219,200,000 | 153,700,000 | 113,000,000 | 95,000,000 |
| | Weapons procurement, Navy | 28,600,000 | ---------- | ---------- | ---------- |
| | Shipbuilding and conversion, Navy | 24,800,000 | ---------- | 24,800,000 | 24,800,000 |
| | Other procurement, Navy | 224,200,000 | 108,300,000 | 93,300,000 | 100,800,000 |
| | Procurement, Marine Corps | 40,700,000 | 33,800,000 | 33,800,000 | 33,800,000 |
| | Aircraft procurement, Air Force | 445,000,000 | 294,000,000 | 244,400,000 | 107,700,000 |
| | Missile procurement, Air Force | 39,000,000 | ---------- | 27,000,000 | 11,400,000 |
| | Other procurement, Air Force | 197,700,000 | 97,400,000 | 86,200,000 | 82,400,000 |
| | Total, procurement | 1,772,100,000 | 1,096,400,000 | 959,200,000 | 805,100,000 |
| | **Research, Development, Test, and Evaluation** | | | | |
| 93-266 | Research, development, test, and evaluation, Army | 19,145,000 | ---------- | ---------- | ---------- |
| | Research, development, test, and evaluation, Navy | 29,300,000 | ---------- | ---------- | ---------- |
| | Research, development, test, and evaluation, Air Force | 54,300,000 | 5,800,000 | ---------- | 5,800,000 |
| | Research, development, test, and evaluation, Defense agencies | 5,836,000 | ---------- | ---------- | ---------- |
| | Total, research, development, test and evaluation | 108,581,000 | 5,800,000 | ---------- | 5,800,000 |
| | Total, chapter II: New budget (obligational) authority | 3,412,741,000 | 2,327,412,000 | 2,330,112,000 | 2,139,312,000 |
| | **CHAPTER III** | | | | |
| | **DISTRICT OF COLUMBIA** | | | | |
| | **Federal Funds** | | | | |
| 93-266 | Federal payment to the District of Columbia | 2,550,000 | ---------- | 2,550,000 | ---------- |
| | **District of Columbia Funds** | | | | |
| | **Operating Expenses** | | | | |
| S. Doc. 93-75 | General operating expenses | 5,901,000 | 5,859,000 | 5,901,000 | 5,901,000 |
| 93-75 | Public safety | 2,434,000 | 2,434,000 | 2,434,000 | 2,434,000 |
| S. Doc 93-75 | Settlement of claims and suits | 222,000 | 222,000 | 222,000 | 222,000 |
| | Total, operating expenses | 8,557,000 | 8,515,000 | 8,557,000 | 8,557,000 |
| | **Capital Outlay** | | | | |
| S. Doc. 93-75 | Capital outlay | 3,577,400 | 3,577,400 | 3,577,400 | 3,577,400 |
| | Grand total, District of Columbia funds | 12,134,400 | 12,092,400 | 12,134,400 | 12,134,400 |
| | Total, new budget (obligational) authority (Federal funds) | 2,550,000 | ---------- | 2,550,000 | ---------- |
| | **CHAPTER IV** | | | | |
| | **FOREIGN OPERATIONS** | | | | |
| | **Funds Appropriated to the President** | | | | |
| | **Indochina Postwar Reconstruction Assistance** | | | | |
| | Indochina postwar reconstruction assistance | 54,000,000 | 49,000,000 | 15,000,000 | 49,000,000 |
| | **Department of State** | | | | |
| | Migration and refugee assistance | ---------- | ---------- | 250,000 | 250,000 |
| | Total, chapter IV, new budget (obligational) authority | 54,000,000 | 49,000,000 | 15,250,000 | 49,250,000 |
| | **CHAPTER V** | | | | |
| | **INDEPENDENT AGENCIES** | | | | |
| | **Veterans' Administration** | | | | |
| 93-266 | Compensation and pensions | 137,800,000 | 137,800,000 | 137,800,000 | 137,800,000 |
| 93-266 | Medical care | 39,535,000 | 39,535,000 | 39,535,000 | 39,535,000 |
| | Total, Veterans' Administration | 177,335,000 | 177,335,000 | 177,335,000 | 177,335,000 |
| | **Selective Service System** | | | | |
| 93-266 | Salaries and expenses | 2,010,000 | 2,010,000 | 2,010,000 | 2,010,000 |
| | **Department of Housing and Urban Development** | | | | |
| 93-266 | Federal Housing Administration | (91,968,000) | ---------- | ---------- | ---------- |
| 93-266 | National flood insurance fund | 2,832,000 | ---------- | ---------- | ---------- |
| 93-266 | Special assistance functions fund | 278,797,000 | ---------- | ---------- | ---------- |

**Footnotes at end of table.**

2D SUPPLEMENTAL APPROPRIATIONS, 1974—H.R. 14013 SUMMARY—Continued

| H. Doc. No. | Department or activity | Budget estimate | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|---|
| | CHAPTER V—Continued | | | | |
| | INDEPENDENT AGENCIES—Continued | | | | |
| | Funds Appropriated to the President | | | | |
| | Federal Disaster Assistance Administration | | | | |
| | Disaster relief | | | $100,000,000 | $32,600,000 |
| | Total, Department of Housing and Urban Development | $281,629,000 | | 100,000,000 | 32,600,000 |
| | Total, chapter V: New budget (obligational) authority | 460,974,000 | $179,345,000 | 279,345,000 | 211,945,000 |
| | CHAPTER VI | | | | |
| | DEPARTMENT OF THE INTERIOR | | | | |
| | Bureau of Land Management | | | | |
| 93-266 | Management of lands and resources | 21,000,000 | 19,300,000 | 19,300,000 | 19,300,000 |
| | Bureau of Sport Fisheries and Wildlife | | | | |
| 93-235 | Resource management | 450,000 | 300,000 | 450,000 | 400,000 |
| 93-235 | Construction and anadromous fish | 1,992,000 | | | |
| | Total, Bureau of Sport Fisheries and Wildlife | 2,442,000 | 300,000 | 450,000 | 400,000 |
| | Office of Oil and Gas | | | | |
| 93-266 | Salaries and expenses | 18,000,000 | 18,000,000 | 18,000,000 | 18,000,000 |
| | Bureau of Indian Affairs | | | | |
| 93-266 | Resources management | 3,000,000 | 3,000,000 | 3,000,000 | 3,000,000 |
| 93-266 | Revolving fund for loans | 900,000 | 900,000 | 900,000 | 900,000 |
| | Total, Bureau of Indian Affairs | 3,900,000 | 3,900,000 | 3,900,000 | 3,900,000 |
| | Territorial Affairs | | | | |
| 93-235 | Trust Territory of the Pacific Islands | 1,514,000 | 1,500,000 | 1,500,000 | 1,500,000 |
| | Total, Department of the Interior | 46,856,000 | 43,000,000 | 43,150,000 | 43,100,000 |
| | RELATED AGENCIES | | | | |
| | DEPARTMENT OF AGRICULTURE | | | | |
| | Forest Service | | | | |
| 93-236 | Forest protection and utilization | 97,133,000 | 97,133,000 | 97,133,000 | 97,133,000 |
| 93-266 | Construction and land acquisition | | 650,000 | 650,000 | 650,000 |
| | Total, Forest Service | 97,133,000 | 97,783,000 | 97,783,000 | 97,783,000 |
| | DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE | | | | |
| | Health Services and Mental Health Administration | | | | |
| 93-266 | Indian health services | 6,591,000 | 6,591,000 | 6,591,000 | 6,591,000 |
| | AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION | | | | |
| 93-266 | Salaries and expenses | 12,375,000 | 12,375,000 | 12,375,000 | 12,375,000 |
| | Total, related agencies | 116,099,000 | 116,749,000 | 116,749,000 | 116,749,000 |
| | Total, chapter VI: new budget (obligational) authority | 162,955,000 | 159,749,000 | 159,899,000 | 159,849,000 |
| | CHAPTER VII | | | | |
| | DEPARTMENT OF LABOR | | | | |
| | Manpower Administration | | | | |
| 93-266 | Program administration | 71,762,000 | 71,762,000 | 71,762,000 | 71,762,000 |
| | Trust fund transfer | (26,766,000) | (26,766,000) | (26,766,000) | (26,766,000) |
| 93-266 | Comprehensive manpower assistance | 1,798,584,000 | 2,048,584,000 | 2,546,584,000 | 2,265,584,000 |
| | Community service employment for older Americans | | | 10,000,000 | |
| 93-244 | Limitation on grants to States for unemployment insurance and employment services | (85,000,000) | (85,000,000) | (81,000,000) | (81,000,000) |
| | Total, Department of Labor | 1,870,346,000 | 2,120,346,000 | 2,628,346,000 | 2,337,346,000 |
| | DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE | | | | |
| | Health Services and Mental Health Administration | | | | |
| 93-266 | Health services delivery (by transfer) | 65,000,000 | 60,700,000 | (60,700,000) | 60,700,000 |
| | Preventive health services (by transfer) | | | (7,000,000) | 3,500,000 |
| | National Institutes of Health | | | | |
| | National Cancer Institute (by transfer) | | | (9,500,000) | |
| | Office of Education | | | | |
| | Elementary and secondary education (by transfer) | | | (40,000,000) | 20,000,000 |
| | Higher education (by transfer) | | | (400,000) | 250,000 |
| 93-266 | Salaries and expense (by transfer) | 3,449,000 | 1,725,000 | (394,000) | 394,000 |
| 93-266 | Student Loan Insurance Fund (by transfer) | 30,785,000 | 30,785,000 | (30,785,000) | 30,785,000 |
| | National Institute of Education | | | | |
| 93-266 | National Institute of Education | 25,000,000 | | | |

| H. Doc. No. | Department or activity | Budget estimate | Recommended in House bill | Amount recommended by Senate | Conference agreemen |
|---|---|---|---|---|---|
| | **Social and Rehabilitation Service** | | | | |
| 1 93-69 | Grants to States for public assistance (proposed rescission) | —$783,000,000 | —$1,000,000,000 | —$1,225,000,000 | —$1,188,000,000 |
| 1 93-76 | Social and rehabilitation services (by transfer) | 20,000,000 | 20,000,000 | (22,000,000) | 21,000,000 |
| | **Social Security Administration** | | | | |
| 93-266 | Special benefits for disabled coal miners (by transfer) | 44,311,000 | 44,311,000 | (44,311,000) | 44,311,000 |
| | **Special Institutions** | | | | |
| 93-266 | Model Secondary School for the Deaf (by transfer) | 50,000 | ---------- | ---------- | ---------- |
| 93-266 | Gallaudet College (by transfer) | 438,000 | 438,000 | (438,000) | 438,000 |
| 93-266 | Howard University (by transfer) | 3,362,000 | 3,362,000 | (3,362,000) | 3,362,000 |
| | **Office of Child Development** | | | | |
| -------- | Child development (by transfer) | ---------- | 4,500,000 | (4,500,000) | 4,500,000 |
| | **Office of the Secretary** | | | | |
| 93-266 | Departmental management (by transfer) | 5,000,000 | 2,950,000 | (2,950,000) | 2,950,000 |
| | Total, Department of Health, Education, and Welfare | —585,605,000 | —831,229,000 | —1,225,000,000 | —995,810,000 |
| | Total by transfer | ---------- | ---------- | (226,340,000) | ---------- |
| | **RELATED AGENCIES** | | | | |
| 93-266 | Federal Mediation and Conciliation Service | 594,000 | 85,000 | 594,000 | 170,000 |
| -------- | Office of Economic Opportunity | ---------- | ---------- | 19,500,000 | 12,500,000 |
| | Total, related agencies | 594,000 | 85,000 | 20,094,000 | 12,670,000 |
| | Total: Chapter VII | | | | |
| | New budget (obligational) authority | 1,285,335,000 | 1,289,202,000 | 1,423,440,000 | 1,354,206,000 |
| | By transfer | ---------- | ---------- | (226,340,000) | ---------- |
| | Trust funds limitation | (85,000,000) | (85,000,000) | (81,000,000) | (81,000,000) |
| | **CHAPTER VIII** | | | | |
| | **SENATE** | | | | |
| | **Salaries, Officers and Employees** | | | | |
| S. 93-73 | Office of the Secretary | 15,915 | ---------- | 13,965 | 13,965 |
| S. 93-77 | Office of Sergeant at Arms and Doorkeeper | 5,890 | ---------- | 5,890 | 5,890 |
| | Total, salaries, officers and employees | 21,805 | ---------- | 19,855 | 19,855 |
| | **Contingent Expenses of the Senate** | | | | |
| S. 93-73 | Expenses of inquiries and investigations | 2,000,000 | ---------- | 2,000,000 | 2,000,000 |
| S. 93-73 | Miscellaneous items | 1,205,000 | ---------- | 1,205,000 | 1,205,000 |
| | Total, Senate | 3,226,805 | ---------- | 3,224,855 | 3,224,855 |
| | **HOUSE OF REPRESENTATIVES** | | | | |
| | **Payments to Widows and Heirs of Deceased Members of Congress** | | | | |
| -------- | Gratuity, deceased Member | ---------- | 42,500 | 42,500 | 42,500 |
| | **Contingent Expenses of the House** | | | | |
| H. 93-266 | Telegraph and telephone | 1,500,000 | 1,500,000 | 1,500,000 | 1,500,000 |
| H. 193-266 | Stationery (revolving fund) | 439,000 | 439,000 | 439,000 | 439,000 |
| | Total, House of Representatives | 1,939,000 | 1,981,500 | 1,981,500 | 1,981,500 |
| | **JOINT ITEMS** | | | | |
| | **Contingent Expenses of the House** | | | | |
| S. 93-66 | Joint Committee on Internal Revenue Taxation | 25,000 | 25,000 | 25,000 | 25,000 |
| | **ARCHITECT OF THE CAPITOL** | | | | |
| S. 93-73 | Senate Office Buildings | 200,000 | ---------- | 200,000 | 200,000 |
| | **LIBRARY OF CONGRESS** | | | | |
| | Fiscal year 1973: | | | | |
| S. 93-66 | Distribution of catalog cards, salaries and expenses | 300,000 | 300,000 | ---------- | ---------- |
| | Fiscal year 1974: | | | | |
| S. 93-66 | Library of Congress, salaries and expenses | 184,800 | 184,800 | 184,800 | 184,800 |
| S. 93-66 | Copyright Office, salaries and expenses | 24,700 | 24,700 | 24,700 | 24,700 |
| S. 93-66 | Distribution of Catalog Cards, salaries and expenses | 259,900 | 259,900 | 259,900 | 259,900 |
| S. 93-66 | Books for the Blind and Physically Handicapped, salaries and expenses | 40,600 | 40,600 | 40,600 | 40,600 |
| | Total, 1974 | 510,000 | 510,000 | 510,000 | 510,000 |
| | Total, 1973 and 1974, Library of Congress | 810,000 | 810,000 | 510,000 | 510,000 |
| | Total, chapter VIII: New budget (obligational) authority | 6,200,805 | 2,816,500 | 5,941,355 | 5,941,355 |

Footnotes at end of table.

2D SUPPLEMENTAL APPROPRIATIONS, 1974—H.R. 14013 SUMMARY—Continued

| H. Doc. No | Department or activity | Budget estimate | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|---|
| | CHAPTER IX | | | | |
| | MILITARY CONSTRUCTION | | | | |
| 93-266 | Military Construction, Navy | $29,000,000 | $29,000,000 | ---------- | ---------- |
| | Total, Chapter IX: ew budget (obligational) authority | 29,000,000 | 29,000,000 | ---------- | ---------- |
| | CHAPTER IX | | | | |
| | DEPARTMENT OF DEFENSE—CIVIL | | | | |
| | Department of the Army | | | | |
| | Corps of Engineers—Civil | | | | |
| S. Doc. 93-67 | Flood control, Mississippi River and tributaries | 100,000,000 | 80,000,000 | $100,000,000 | $100,000,000 |
| | DEPARTMENT OF THE INTERIOR | | | | |
| | Bureau of Reclamation | | | | |
| H. Doc. 93-235 | Operation and maintenance | 7,700,000 | 7,000,000 | 7,000,000 | 7,000,000 |
| | Total, chapter IX; New budget (obligational) authority | 107,700,000 | 87,000,000 | 107,000,000 | 107,000,000 |
| | CHAPTER X | | | | |
| | DEPARTMENT OF STATE | | | | |
| | Administration of Foreign Affairs | | | | |
| 93-266 | Salaries and expenses | 7,000,000 | 6,000,000 | 6,500,000 | 6,250,000 |
| 93-666 | Acquisition, operation, and maintenance of buildings abroad | 1,196,000 | 1,000,000 | 1,000,000 | 1,000,000 |
| 93-666 | Acquisition, operation, and maintenance of buildings abroad (special foreign currency program) | 324,000 | 324,000 | 324,000 | 324,000 |
| 93-666 | Payment to foreign service retirement and disability fund | 17,563,000 | 17,563,000 | 17,563,000 | 17,563,000 |
| | Total, Administration fo Foreign Affairs | 26,083,000 | 24,887,000 | 25,387,000 | 25,137,000 |
| | International Organizations and Conferences | | | | |
| 93-266 | Contributions to international organizations | 2,287,000 | ---------- | 2,287,000 | 1,200,000 |
| | Educational Exchange | | | | |
| 93-666 | Center for cultural and technical interchange between East and West | 269,000 | 200,000 | 269,000 | 225,000 |
| | Total, Department of State | 28,639,000 | 25,087,000 | 27,943,000 | 26,562,000 |
| | DEPARTMENT OF JUSTICE | | | | |
| 93-228 | Salaries and expenses, Antitrust Division | 761,000 | 761,000 | 761,000 | 761,000 |
| 93-228 | Fees and expenses of witnesses | 600,000 | 600,000 | 600,000 | 600,000 |
| | Total, Department of Justice | 1,361,000 | 1,361,000 | 1,361,000 | 1,361,000 |
| | DEPARTMENT OF COMMERCE | | | | |
| | General Administration | | | | |
| 93-266 | Salaries and expenses | 85,000 | 75,000 | 75,000 | 75,000 |
| | Regional Action Planning Commissions | | | | |
| 93-266 | Regional Development Programs | Language | Language | Language | Language |
| | National Oceanic and Atmospheric Administration | | | | |
| 93-266 | Administration of Pribilof Islands | 336,000 | 250,000 | 330,000 | 330,000 |
| 93-234 | Fishermen's Guarantee Fund | 40,000 | 40,000 | 40,000 | 40,000 |
| 93-234 | Offshore Shrimp Fisheries Fund | 325,000 | 325,000 | 325,000 | 325,000 |
| | Total, National Oceanic and Atmospheric Administration | 701,000 | 615,000 | 695,000 | 695,000 |
| | National Bureau of Fire Prevention | | | | |
| 93-266 | Operations, Research and Administration | 4,000,000 | ---------- | 4,000,000 | ---------- |
| | Maritime Administration | | | | |
| 93-266 | Operating-Differential Subsidies (liquidation of contract authority) | (23,000,000) | (23,000,000) | (23,000,000) | (23,000,000) |
| | Total, Department of Commerce | 4,786,000 | 690,000 | 4,770,000 | 770,000 |
| | THE JUDICIARY | | | | |
| | Court of Appeals, District Courts and other Judicial Services | | | | |
| S. Doc. 93-78 | Representation by court-appointed counsel and operation of defender organizations | 2,000,000 | ---------- | 2,000,000 | 2,000,000 |
| | Total, The Judiciary | 2,000,000 | ---------- | 2,000,000 | 2,000,000 |
| | RELATED AGENCIES | | | | |
| | INTERNATIONAL RADIO BROADCASTING | | | | |
| 93-266 | International Radio Broadcasting Activities | 4,970,000 | 4,500,000 | 4,500,000 | 4,500,000 |
| | DEPARTMENT OF THE TREASURY | | | | |
| | Bureau of Accounts | | | | |
| 93-266 | Fishermen's Protective Fund | 2,500,000 | 1,000,000 | 1,000,000 | 1,000,000 |
| | SMALL BUSINESS ADMINISTRATION | | | | |
| 93-266 | Salaries and expenses: Transfer from revolving fund | (5,000,000) | (5,000,000) | (5,000,000) | (5,000,000 |

| H. Doc. No. | Department or activity | Budget estimate | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|---|
| | UNITED STATES INFORMATION AGENCY | | | | |
| 93-266 | Special International Exhibitions | $6,300,000 | $6,300,000 | $6,300,000 | $6,300,000 |
| | Total, Related Agencies | 13,770,000 | 11,800,000 | 11,800,000 | 11,800,000 |
| | Total, chapter X, New budget (obligational) Authority | 50,556,000 | 38,938,000 | 47,874,000 | 42,493,000 |
| | By transfer | (5,000,000) | (5,000,000) | (5,000,000) | (5,000,000) |
| | Appropriations to liquidate contract authorizations | (23,000,000) | (23,00,000) | (23,000,000) | (23,000,000) |
| | CHAPTER XI | | | | |
| | DEPARTMENT OF TRANSPORTATION | | | | |
| | Office of the Secretary | | | | |
| 93-266 | Salaries and expenses | 9,500,000 | 4,000,000 | 9,500,000 | 7,000,000 |
| 93-266 | Interim operating assistance | 50,000,000 | 10,800,000 | 50,000,000 | 39,800,000 |
| 93-266 | Transportation planning, research, and development | 3,500,000 | 3,170,000 | 3,000,000 | 3,000,000 |
| | Coast Guard | | | | |
| 93-266 | Retired pay | 6,098,000 | 5,750,000 | 5,750,000 | 5,750,000 |
| | Federal Highway Administration | | | | |
| 93-266 | Inter-American Highway | 3,000,000 | 2,000,000 | ---------- | 56,000 |
| | Railroad Highway Crossings Demonstration projects | ---------- | (1,500,000) | (2,218,000) | (2,218,000) |
| | National Highway Traffic Safety Administration | | | | |
| 93-266 | Traffic and highway safety | 1,000,000 | 800,000 | 800,000 | 800,000 |
| | Federal Railroad Administration | | | | |
| 93-266 | Railroad research | 1,000,000 | (1,000,000) | (1,000,000) | (1,000,000) |
| 93-266 | High-speed ground transportation research and development | 5,000,000 | (5,000,000) | (5,000,000) | (5,000,000) |
| 93-266 | Grants to the National Railroad Passenger Corporation | 52,000,000 | 41,300,000 | 56,000,000 | 47,000,000 |
| | Total, Department of Transportation | 131,098,000 | 67,820,000 | 125,050,000 | 103,406,000 |
| | By transfer | ---------- | (7,500,000) | (8,218,000) | (8,218,000) |
| | RELATED AGENCIES | | | | |
| | CIVIL AERONAUTICS BOARD | | | | |
| 93-233 | Payment to air carriers | 6,834,000 | 6,834,000 | 6,834,000 | 6,834,000 |
| | INTERSTATE COMMERCE COMMISSION | | | | |
| 93-266 | Salaries and expenses | 5,150,000 | 3,500,000 | 3,500,000 | 3,500,000 |
| | UNITED STATES RAILWAY ASSOCIATION | | | | |
| 93-266 | Administrative expenses | 20,000,000 | 8,000,000 | 15,000,000 | 12,000,000 |
| | WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY | | | | |
| 93-266 | Federal contribution | 13,700,000 | 13,600,000 | 13,600,000 | 13,600,000 |
| | Total, related agencies | 45,684,000 | 31,934,000 | 38,934,000 | 35,934,000 |
| | Total, chapter XI, new budget (obligational) authority | 176,782,000 | 99,754,000 | 163,984,000 | 139,340,000 |
| | By transfer | ---------- | (7,500,000) | (8,218,000) | (8,218,000) |
| | CHAPTER XII | | | | |
| | TREASURY DEPARTMENT | | | | |
| | Bureau of Accounts | | | | |
| 93-232 | Salaries and expenses | 10,778,000 | 10,778,000 | 10,778,000 | 10,778,000 |
| | Bureau of the Public Debt | | | | |
| 93-266 | Administering the Public Debt | 2,250,000 | 2,250,000 | 2,000,000 | 2,000,000 |
| | Internal Revenue Service | | | | |
| 93-232 | Accounts, Collection and Taxpayer Service | 17,442,000 | 17,442,000 | 17,000,000 | 17,000,000 |
| | Secret Service | | | | |
| 93-232 | Salaries and expenses | 3,225,000 | 2,900,000 | 2,700,000 | 2,700,000 |
| 93-666 | | | | | |
| | Total, Treasury Department | 33,695,000 | 33,370,000 | 32,478,000 | 32,478,000 |
| | U.S. POSTAL SERVICE | | | | |
| 93-266 | Payment to the Postal Service Fund | 236,018,000 | 230,000,000 | 200,000,000 | 220,000,000 |
| | TEMPORARY COMMISSIONS | | | | |
| | NATIONAL COMMISSION ON PRODUCTIVITY | | | | |
| 93-666 | Salaries and expenses | 2,500,000 | ---------- | ---------- | ---------- |
| | INDEPENDENT AGENCIES | | | | |
| | CIVIL SERVICE COMMISSION | | | | |
| 93-266 | Government Payment for Annuitants, Employees Health Benefits | 13,165,000 | 13,165,000 | 13,000,000 | 13,000,000 |
| S. 93-74 | Government Payment for Annuitants, Employees Health Benefits | 25,200,000 | ---------- | 25,000,000 | 25,000,000 |
| 93-266 | Payment to Civil Service Retirement and Disability Fund | 292,429,000 | 292,429,000 | 292,000,000 | 292,000,000 |
| | Total, Civil Service Commission | 330,794,000 | 305,594,000 | 330,000,000 | 330,000,000 |
| | GENERAL SERVICES ADMINISTRATION | | | | |
| S. 93-70 | Property Management and Disposal Service | 1,350,000 | ---------- | ---------- | ---------- |
| S. 93-70 | Administrative Operations Fund | (50,000) | ---------- | ---------- | ---------- |
| | Total, General Services Administration | 1,350,000 | ---------- | ---------- | ---------- |
| | Total, Independent Agencies | 332,144,000 | 305,594,000 | 330,000,000 | 330,000,000 |
| | Total, Chapter XII, new budget (obligational) authority | 604,357,000 | 568,964,000 | 562,478,000 | 582,478,000 |

Footnotes at end of table.

TITLE II—INCREASED PAY COSTS

| Agency and item | Supplemental estimate H. Doc. 93-266 | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| **LEGISLATIVE BRANCH** | | | | |
| **SENATE** | | | | |
| Salaries, Officers and Employees | $4,390,179 | | $1,000,000 | $1,000,000 |
| Office of the Legislative Counsel | 21,365 | | 21,365 | 21,365 |
| Contingent Expenses of the Senate: | | | | |
| Senate policy committees | 45,330 | | 45,330 | 45,330 |
| Inquiries and investigations | 1,067,975 | | 1,067,975 | 1,067,975 |
| Folding documents | 6,635 | | 6,635 | 6,635 |
| Miscellaneous items | 1,545 | | 1,545 | 1,545 |
| Total, contingent expenses of the Senate | 1,121,485 | | 1,121,485 | 1,121,485 |
| Total, Senate: New budget (obligational) authority | 5,533,029 | | 2,142,850 | 2,142,850 |
| **HOUSE OF REPRESENTATIVES** | | | | |
| Salaries, Offices and Employees | | | | |
| Office of the Speaker | 18,920 | $18,920 | 18,920 | 18,920 |
| Office of the Parliamentarian | 12,275 | 12,275 | 12,275 | 12,275 |
| Compilation of precedents of the House of Representatives | 1,680 | 1,680 | 1,680 | 1,680 |
| Office of the Clerk | [1] 274,910 | 274,910 | 274,910 | 274,910 |
| Office of the Sergeant at Arms | 512,965 | 387,965 | 387,965 | 387,965 |
| Office of the Doorkeeper | 164,930 | 64,930 | 64,930 | 64,930 |
| Office of the Postmaster | 53,360 | 53,360 | 53,360 | 53,360 |
| Committee employees (standing roll) | 441,400 | 100,000 | 100,000 | 100,000 |
| Special and minority employees: | | | | |
| 6 minority employees | 5,620 | 5,620 | 5,620 | 5,620 |
| House Democratic Steering Committee | 1,515 | 1,515 | 1,515 | 1,515 |
| House Republican Conference | 1,515 | 1,515 | 1,515 | 1,515 |
| Office of the majority floor leader | 10,225 | 10,225 | 10,225 | 10,225 |
| Office of the minority floor leader | 8,740 | 8,740 | 8,740 | 8,740 |
| Office of the majority whip | 7,230 | 7,230 | 7,230 | 7,230 |
| Office of the minority whip | 7,230 | 7,230 | 7,230 | 7,230 |
| 2 printing clerks for majority and minority caucus rooms | 2,175 | 2,175 | 2,175 | 2,175 |
| Technical assistant, Office of the Attending Physician | 1,960 | 1,960 | 1,960 | 1,960 |
| Official reporters of debates | 15,165 | 15,165 | 15,165 | 15,165 |
| Official reporters to committees | 15,755 | 15,755 | 15,755 | 15,755 |
| Committee on Appropriations (investigations) | 12,865 | 12,865 | 12,865 | 12,865 |
| Office of the Legislative Counsel | 37,825 | 37,825 | 37,825 | 37,825 |
| Members' clerk hire | 5,715,500 | 4,715,500 | 4,715,500 | 4,715,500 |
| Government contributions | 487,460 | 487,460 | 487,460 | 487,460 |
| Special and select committees | 744,990 | 744,990 | 744,990 | 744,990 |
| Leadership automobiles: | | | | |
| Speaker | 1,395 | 1,395 | 1,395 | 1,395 |
| Majority leader | 1,395 | 1,395 | 1,395 | 1,395 |
| Minority leader | 1,395 | 1,395 | 1,395 | 1,395 |
| Total, House of Representatives: New budget (obligational) authority | 8,560,395 | 6,993,995 | 6,993,995 | 6,993,995 |
| **JOINT ITEMS** | | | | |
| Joint Committee on Reduction of Federal Expenditure | 6,360 | 6,360 | 6,360 | 6,360 |
| Joint Economic Committee | 57,390 | 57,390 | 57,390 | 57,390 |
| Joint Economic Committee—Subcommittee on Fiscal Policy | 15,505 | 15,505 | 15,505 | 15,505 |
| Joint Committee on Atomic Energy | 26,650 | 26,650 | | |
| Joint Committee on Printing | 19,080 | 19,080 | 19,080 | 19,080 |
| Joint Committee on Internal Revenue Taxation | 58,460 | 58,460 | 58,460 | 58,460 |
| Joint Committee on Defense Production | 12,125 | 12,125 | 12,125 | 12,125 |
| Joint Committee on Congressional Operations | 43,290 | 43,290 | 43,290 | 43,290 |
| Capitol Guide Service, salaries and expenses | 23,540 | 23,540 | 23,540 | 23,540 |
| Total, joint items: New budget (obligational) authority | 262,400 | 262,400 | 235,750 | 235,750 |
| **ARCHITECT OF THE CAPITOL** | | | | |
| Office of the Architect of the Capitol | | | | |
| Salaries | 62,000 | 62,000 | 62,000 | 62,000 |
| Capitol Buildings and Grounds | | | | |
| Capitol buildings | 110,000 | 110,000 | 110,000 | 110,000 |
| Capitol grounds | 24,000 | 24,000 | 24,000 | 24,000 |
| Senate office buildings | 281,500 | | 281,500 | 281,500 |
| Senate garage | 2,800 | | 2,800 | 2,800 |
| House office buildings | 371,600 | 371,600 | 371,600 | 371,600 |
| Capitol powerplant: Operation | 15,000 | 15,000 | 15,000 | 15,000 |
| Library Buildings and Grounds | | | | |
| Structural and mechanical care | 37,000 | 37,000 | 37,000 | 37,000 |
| Total, Architect of the Capitol: New budget (obligational) authority | 903,900 | 619,600 | 903,900 | 903,900 |
| **BOTANIC GARDEN** | | | | |
| Salaries and expenses | 24,500 | 24,500 | 24,500 | 24,500 |
| **LIBRARY OF CONGRESS** [1] | | | | |
| Salaries and expenses | 2,660,000 | 2,660,000 | 2,660,000 | 2,660,000 |
| Copyright Office | | | | |
| Salaries and expenses | 369,000 | 319,000 | 269,000 | 269,000 |
| Congressional Research Service | | | | |
| Salaries and expenses | 735,000 | 564,000 | 464,000 | 464,000 |
| Distribution of Catalog Cards | | | | |
| Salaries and expenses | 483,000 | 483,000 | 483,000 | 483,000 |
| Books for the Blind and Physically Handicapped | | | | |
| Salaries and expenses | 89,000 | 89,000 | 49,000 | 49,000 |
| Revision of Annotated Constitution | | | | |
| Salaries and expenses | 2,900 | 2,900 | 2,900 | 2,900 |

| Agency and item | Supplemental estimate H. Doc. 93-266 | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| Revision of Hinds' and Cannon's Precedents | | | | |
| Salaries and expenses | $11,400 | $11,400 | $11,400 | $11,400 |
| Total, Library of Congress: New budget (obligational) authority | 4,350,300 | 4,129,300 | 3,939,300 | 3,939,300 |
| GOVERNMENT PRINTING OFFICE | | | | |
| Office of Superintendent of Documents | | | | |
| Salaries and expenses | 508,000 | 400,000 | 400,000 | 400,000 |
| GENERAL ACCOUNTING OFFICE | | | | |
| Salaries and expenses | 6,850,000 | 5,600,000 | 5,600,000 | 5,600,000 |
| Total, Legislative Branch (excluding Tax Court) | 26,992,524 | 18,029,795 | 20,240,295 | 20,240,295 |
| U.S. TAX COURT | | | | |
| Salaries and expenses | 58,000 | 58,000 | 58,000 | 58,000 |
| Total, Legislative Branch New budget (obligational) authority | 27,050,524 | 18,087,795 | 20,298,295 | 20,298,295 |
| THE JUDICIARY | | | | |
| Supreme Court of the United States | | | | |
| Salaries | 233,000 | 190,000 | 190,000 | 190,000 |
| Automobile for the Chief Justice | 1,000 | 1,000 | 1,000 | 1,000 |
| Care of the building and grounds | 16,300 | 16,300 | 16,300 | 16,300 |
| Court of Customs and Patent Appeals | | | | |
| Salaries and expenses | 32,000 | ---------- | ---------- | ---------- |
| Custom Court | | | | |
| Salaries and expenses | 158,000 | 83,000 | 83,000 | 83,000 |
| Court of Claims | | | | |
| Salaries and expenses | 88,000 | 40,000 | 40,000 | 40,000 |
| Court of Appeals, District Courts, and Other Judicial Services | | | | |
| Salaries of supporting personnel | 7,248,000 | 6,550,000 | 6,550,000 | 6,550,000 |
| Representation by court-appointed counsel and operation of defender organizations | 175,000 | 175,000 | 175,000 | 175,000 |
| Administrative Office of the U.S. Courts | 302,000 | 302,000 | 302,000 | 302,000 |
| Salaries and expenses of U.S. Magistrates | 243,000 | ---------- | ---------- | ---------- |
| Expenses of referees | 855,000 | 640,000 | 640,000 | 640,000 |
| Federal Judicial Center | | | | |
| Salaries and expenses | 73,000 | 73,000 | 73,000 | 73,000 |
| Total, the Judiciary: New budget (obligational) authority | 9,424,300 | 8,070,300 | 8,070,300 | 8,070,300 |
| EXECUTIVE OFFICE OF THE PRESIDENT | | | | |
| The White House Office | | | | |
| Salaries and expenses | 668,000 | 668,000 | 650,000 | 650,000 |
| Executive Residence | | | | |
| Operating expenses | 63,000 | 63,000 | 63,000 | 63,000 |
| Council of Economic Advisers | | | | |
| Salaries and expenses | 38,000 | 38,000 | 38,000 | 38,000 |
| Special Assistance to the President | | | | |
| Salaries and expenses | 17,000 | 17,000 | 17,000 | 17,000 |
| Council on International Economic Policy | | | | |
| Salaries and expenses | 26,000 | 26,000 | 26,000 | 26,000 |
| Office of Management and Budget | | | | |
| Salaries and expenses | 1,000,000 | 1,000,000 | 900,000 | 900,000 |
| Office of Telecommunications Policy | | | | |
| Salaries and expenses | 56,000 | 56,000 | 56,000 | 56,000 |
| Special Representative for Trade Negotiations | | | | |
| Salaries and expenses | 19,000 | 19,000 | 19,000 | 19,000 |
| Total, Executive Office of the President: New budget (obligational) authority | 1,887,000 | 1,887,000 | 1,769,000 | 1,769,000 |
| FUNDS APPROPRIATED TO THE PRESIDENT | | | | |
| Economic Stabilization Activities | | | | |
| Salaries and expenses | 4,660,000 | 3,495,000 | 3,395,000 | 3,395,000 |
| FOREIGN ASSISTANCE | | | | |
| Economic Assistance | | | | |
| Food and nutrition, development assistance (by transfer) | (2,350,000) | (----------) | (----------) | (----------) |
| Administrative expense (by transfer) | (1,382,000) | (----------) | (----------) | (----------) |
| Administrative and other expenses (by transfer) | (119,000) | (119,000) | (119,000) | (199,000) |
| Total, funds appropriated to the President: | | | | |
| New budget (obligational) authority | 4,660,000 | 3,495,000 | 3,395,000 | 3,395,000 |
| By transfer | (3,851,000) | (119,000) | (119,000) | (119,000) |
| DEPARTMENT OF AGRICULTURE | | | | |
| Office of the Secretary | 683,000 | 683,000 | 683,000 | 683,000 |
| Office of the Inspector General | 989,000 | 989,000 | 989,000 | 989,000 |
| (By transfer) | (284,000) | (284,000) | (284,000) | (284,000) |
| Office of the General Counsel | 572,000 | 572,000 | 572,000 | 572,000 |
| Office of Management Services | 308,000 | 308,000 | 308,000 | 308,000 |
| Agricultural Research Service | 12,353,000 | 12,353,000 | 12,353,000 | 12,353,000 |
| Animal and Plant Health Inspection Service | 17,651,000 | 17,651,000 | 17,651,000 | 17,651,000 |
| Cooperative State Research Service (by transfer) | (148,000) | (148,000) | (148,000) | (148,000) |
| Extension Service (by transfer) | (308,000) | (308,000) | (308,000) | (308,000) |
| National Agricultural Library (by transfer) | (242,000) | (242,000) | (242,000) | (242,000) |
| Statistical Reporting Service (by transfer) | (1,357,000) | (1,357,000) | (1,357,000) | (1,357,000) |

Footnotes at end of table.

TITLE II—INCREASED PAY COSTS—Continued

| Agency and item | Supplemental estimate H. Doc. 93-266 | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| **DEPARTMENT OF AGRICULTURE—Continued** | | | | |
| Economic Research Service | $1,307,000 | $1,307,000 | $1,307,000 | $1,307,000 |
| Commodity Exchange Authority (by transfer) | (214,000) | (214,000) | (214,000) | (214,000) |
| Packers and Stockyards Administration | 276,000 | 276,000 | 276,000 | 276,000 |
| Farmers Cooperative Service | 141,000 | 141,000 | 141,000 | 141,000 |
| Foreign Agricultural Service | 881,000 | 881,000 | 881,000 | 881,000 |
| Federal Crop Insurance Corporation: | | | | |
| Administrative and operating expense (by transfer) | (1,008,000) | (1,008,000) | (1,008,000) | (1,008,000) |
| Rural Development Service | 28,000 | 28,000 | 28,000 | 28,000 |
| Rural Electrification Administration: Salaries and expenses | 769,000 | 769,000 | 769,000 | 769,000 |
| Farmers Home Administration: Salaries and expenses | 8,350,000 | 8,350,000 | 8,350,000 | 8,350,000 |
| Soil Conservation Service: Conservation operations | 5,457,000 | 5,457,000 | 5,457,000 | 5,457,000 |
| Agricultural Marketing Service: | | | | |
| Marketing services (by transfer) | (2,222,000) | (2,222,000) | (2,222,000) | (2,222,000) |
| Funds for increasing markets, income, and supply (increase in limitation) | (232,000) | (232,000) | (232,000) | (232,000) |
| Forest Service: | | | | |
| Forest protection and utilization: | | | | |
| Forest land management | 13,467,000 | 13,400,000 | 13,400,000 | 13,400,000 |
| Forest research | 3,431,000 | 3,400,000 | 3,400,000 | 3,400,000 |
| State and private forestry cooperation | 262,000 | 262,000 | 262,000 | 262,000 |
| Total, Forest Protection and Utilization | 17,160,000 | 17,062,000 | 17,062,000 | 17,062,000 |
| Forest Service: | | | | |
| Forest roads and trails (liquidation of contract authority) | (6,000,000) | (5,500,000) | (5,500,000) | (5,500,000) |
| Total, Department of Agriculture: | | | | |
| New budget (obligational) authority | 66,925,000 | 66,827,000 | 66,827,000 | 66,827,000 |
| By transfer | (5,783,000) | (5,783,000) | (5,783,000) | (5,783,000) |
| Increase in limitation | (232,000) | (232,000) | (232,000) | (232,000) |
| Liquidation of contract authority | (6,000,000) | (5,500,000) | (5,500,000) | (5,500,000) |
| **DEPARTMENT OF COMMERCE** | | | | |
| General Administration | | | | |
| Salaries and expenses | 559,000 | 550,000 | 550,000 | 550,000 |
| Administration of economic development assistance programs | 1,143,000 | 1,100,000 | 1,100,000 | 1,100,000 |
| Social and Economic Statistics Administration | | | | |
| Salaries and expenses | 2,773,000 | 2,700,000 | 2,700,000 | 2,700,000 |
| Periodic censuses and programs | 1,310,000 | 1,300,000 | 1,300,000 | 1,300,000 |
| Domestic and International Business Administration | | | | |
| Salaries and expenses | 2,664,000 | 2,600,000 | 2,600,000 | 2,600,000 |
| Foreign Direct Investment Regulation | | | | |
| Salaries and expenses | 121,000 | 100,000 | 100,000 | 100,000 |
| Minority Business Enterprise | | | | |
| Minority business development | 493,000 | 450,000 | 450,000 | 450,000 |
| U.S. Travel Service | | | | |
| Salaries and expenses | 147,000 | 100,000 | 100,000 | 100,000 |
| National Oceanic and Atmospheric Administration | | | | |
| Operations, research, and facilities | 15,268,000 | 15,072,000 | 15,072,000 | 15,072,000 |
| (By transfer) | (2,178,000) | (2,178,000) | (2,178,000) | (2,178,000) |
| Administration of Pribilof Islands | 155,000 | 155,000 | 155,000 | 155,000 |
| Science and Technology | | | | |
| Scientific and technical research and services | 7,637,000 | 7,350,000 | 7,350,000 | 7,350,000 |
| Maritime Administration | | | | |
| Operations and training | 1,880,000 | 1,800,000 | 1,800,000 | 1,800,000 |
| Total, Department of Commerce: | | | | |
| New budget (obligational) authority | 34,150,000 | 33,277,000 | 33,277,000 | 33,277,000 |
| By transfer | (2,178,000) | (2,178,000) | (2,178,000) | (2,178,000) |
| **DEPARTMENT OF DEFENSE—MILITARY** | | | | |
| Military Personnel | | | | |
| Military personnel, Army | 611,650,000 | 595,850,000 | 585,850,000 | 585,850,000 |
| Military personnel, Navy | 432,150,000 | 384,650,000 | 308,650,000 | 308,650,000 |
| Military personnel, Marine Corps | 121,434,000 | 113,834,000 | 113,834,000 | 113,834,000 |
| Military personnel, Air Force | 571,250,000 | 564,950,000 | 564,950,000 | 564,950,000 |
| Reserve personnel, Army | 41,092,000 | 36,092,000 | 23,092,000 | 23,092,000 |
| Reserve personnel, Navy | 13,897,000 | 11,197,000 | 11,197,000 | 11,197,000 |
| Reserve personnel, Marine Corps | 3,827,000 | 1,527,000 | 2,827,000 | 1,527,000 |
| Reserve personnel, Air Force | 9,885,000 | 6,885,000 | 6,885,000 | 6,885,000 |
| National Guard personnel, Army | 51,600,000 | 51,600,000 | 69,600,000 | 69,600,000 |
| National Guard personnel, Air Force | 14,583,000 | 7,583,000 | 14,583,000 | 7,583,000 |
| Operation and Maintenance | | | | |
| Operation and maintenance, Army | 274,160,000 | 260,400,000 | 260,400,000 | 260,400,000 |
| Operation and maintenance, Navy | 201,500,000 | 191,000,000 | 191,000,000 | 191,000,000 |
| Operation and maintenance, Marine Corps | 14,200,000 | 13,500,000 | 13,500,000 | 13,500,000 |
| Operation and maintenance, Air Force | 163,150,000 | 155,000,000 | 155,000,000 | 155,000,000 |
| Operation and maintenance, Defense agencies | 92,750,000 | 88,000,000 | 88,000,000 | 88,000,000 |
| Operation and maintenance, Army Reserve | 10,790,000 | 10,200,000 | 10,200,000 | 10,200,000 |
| Operation and maintenance, Navy Reserve | 3,500,000 | 3,300,000 | 3,300,000 | 3,300,000 |
| Operation and maintenance, Marine Corps Reserve | 50,000 | 48,000 | 48,000 | 48,000 |
| Operation and maintenance, Air Force Reserve | 8,120,000 | 7,700,000 | 7,700,000 | 7,700,000 |
| Operation and maintenance, Army National Guard | 21,870,000 | 20,800,000 | 20,800,000 | 20,800,000 |
| Operation and maintenance, Air National Guard | 17,250,000 | 16,375,000 | 16,375,000 | 16,375,000 |
| National Board for the Promotion of Rifle Practice, Army | 11,000 | 10,000 | 10,000 | 10,000 |
| Court of Military Appeals, Defense | 53,000 | 50,000 | 50,000 | 50,000 |

| Agency and item | Supplemental estimate H. Doc. 93-266 | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| **Research, Development, Test and Evaluation** | | | | |
| Research, development, test, and evaluation, Army | $35,898,000 | $17,930,000 | $35,898,000 | $26,914,000 |
| Research, development, test, and evaulation, Navy | 38,528,000 | 19,243,000 | 38,528,000 | 28,885,000 |
| Research, development, test, and evaluation, Air Force | 29,466,000 | 14,721.000 | 29,466,000 | 22,093,000 |
| Research, development, test, and evaluation, Defense agencies | 5,016,000 | 2,506,000 | 5,016,000 | 3,761,000 |
| Subtotal, Dept. of Defense, excluding military construction | 2,787,680,000 | 2,594,951,000 | 2,576,759,000 | 2,541,204,000 |
| **MILITARY CONSTRUCTION** | | | | |
| **Family Housing** | | | | |
| Family housing, Defense | 3,866,000 | 3,866,000 | 3,866,000 | 3,866,000 |
| (Increase in limitation) | (3,866,000) | (3,866,000) | (3,866,000) | (3,866,000) |
| Total, Department of Defense—Military: | | | | |
| New Budget (obligational) authority | 2,791,546,000 | 2,598,817,000 | 2,580,625,000 | 2,545,070,000 |
| Increase in limitation | (3,866,000) | (3,866,000) | (3,866,000) | (3,866,000) |
| **DEPARTMENT OF DEFENSE—CIVIL** | | | | |
| **Department of the Army** | | | | |
| Corps of Engineers—Civil: General expenses | 2,325,000 | 2,300,000 | 2,200,000 | 2,200,000 |
| **U.S. Soldiers' and Airmen's Home** | | | | |
| Operation and maintenance | 516,000 | 516,000 | 516,000 | 516,000 |
| **THE PANAMA CANAL** | | | | |
| Canal Zone Government: Operating expenses | 1,097,000 | 1,000,000 | 1,097,000 | 1,000,000 |
| Panama Canal Company: Limitation on general and administrative expenses (increase in limitation) | (1,294,000) | (942,000) | (1,294,000) | (1,294,000 |
| Total, Department of Defense—Civil: | | | | |
| New budget (obligational) authority | 3,938,000 | 3,816,000 | 3,813,000 | 3,716,000 |
| Increase in limitation | (1,294,000) | (942,000) | (1,294,000) | (1,294,000) |
| **DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE** | | | | |
| **Food and Drug Administration** | | | | |
| Salaries and expenses (by transfer) | (5,370,000) | (5,370,000) | (5,370,000) | (5,370,000) |
| **Health Services and Mental Health Administration** | | | | |
| Saint Elizabeths Hospital (by transfer) | (3,784,000) | (3,784,000) | (3,784,000) | (3,784,000) |
| Health services delivery (by transfer) | (2,470,000) | (2,470,000) | (2,470,000) | (2,470,000) |
| Preventive health services (by transfer) | (1,789,000) | (1,789,000) | (1,789,000) | (1,789,000) |
| National health statistics (by transfer) | (1,024,000) | (1,024,000) | (1,024,000) | (1,024,000) |
| Office of the Administrator (by transfer) | (945,000) | (945,000) | (945,000) | (945,000) |
| Indian health services (by transfer) | (9,410,000) | (9,410,000) | (9,410,000) | (9,410,000) |
| **National Institutes of Health** | | | | |
| John E. Fogarty International Center for Advanced Study in the Health Sciences (by transfer) | (17,000) | ( ) | ( ) | ( ) |
| National Library of Medicine (by transfer) | (458,000) | (458,000) | (458,000) | (458,000) |
| Office of the Director (by transfer) | (903,000) | (903,000) | (903,000) | (903,000) |
| **Education Division** | | | | |
| Office of the Assistant Secretary for Education: Salaries and expenses, Assistant Secretary for Education (by transfer) | (124,000) | (124,000) | (124,000) | (124,000) |
| Office of Education: Salaries and expenses (by transfer) | (4,073,000) | (2,000,000) | (1,500,000) | (1,500,000) |
| National Institute of Education (by transfer) | (700,000) | (700,000) | (700,000) | (700,000) |
| **Social Security Administration** | | | | |
| Social Security Administration: Special benefits for disabled coal miners (by transfer) | (1,746,000) | (1,746,000) | (1,746,000) | (1,746,000) |
| **Office of the Secretary** | | | | |
| Office for Civil Rights (by transfer) | (1,302,000) | (1,302,000) | (1,302,000) | (1,302,000) |
| Office of Consumer Affairs (by transfer) | (82,000) | (82,000) | (82,000) | (82,000) |
| Departmental management (by transfer) | (5,096,000) | (5,096,000) | (5,096,000) | (5,096,000) |
| Total, Department of Health, Education, and Welfare: | | | | |
| By transfer | (39,293,000) | (37,203,000) | (36,703,000) | (36,703,000) |
| **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** | | | | |
| **Housing Production and Mortgage Credit** | | | | |
| Salaries and expenses, Housing production and mortgage credit programs | 140,000 | 126,000 | 126,000 | 126,000 |
| Limitation on administrative and nonadministrative expenses, Federal Housing Administration: | | | | |
| Ad ninistrative expenses (increase in limitation) | (400,000) | (365,000) | (365,000) | (365,000) |
| Nonadministrative expenses (increase in limitation) | (4,945,000) | (945,000) | (945,000) | (945,000) |
| Limitation on administrative expenses, Government National Mortgage Association (increase in limitation) | (24,000) | (22,000) | (22,000) | (22,000) |
| **Housing Management** | | | | |
| Salaries and expenses, Housing management programs | 689,000 | 621,000 | 621,000 | 621,000 |
| **Community Planning and Management** | | | | |
| Salaries and expenses, Community planning and management programs | 250,000 | 225,000 | 225,000 | 225,000 |
| **Community Development** | | | | |
| Salaries and expenses, Community development programs | 656,000 | 591,000 | 591,000 | 591,000 |
| **Research and Technology** | | | | |
| Research and technology: | | | | |
| (increase in limitation on administrative expenses) | (121,000) | (109,000) | (109,000) | (109,000) |
| **Fair Housing and Equal Opportunity** | | | | |
| Fair housing and equal opportunity | 256,000 | 231,000 | 231,000 | 231,000 |

Footnotes at end of table.

TITLE II—INCREASED PAY COSTS—Continued

| Agency and item | Supplemental estimate H. Doc. 93-266 | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Continued** | | | | |
| **Departmental Management** | | | | |
| General departmental management | $132,000 | $119,000 | $119,000 | $119,000 |
| Salaries and expenses, Office of general counsel | 97,000 | 87,000 | 87,000 | 87,000 |
| Salaries and expenses, Office of inspector general | 193,000 | 174,000 | 174,000 | 174,000 |
| Administration and staff services | 211,000 | 190,000 | 190,000 | 190,000 |
| Regional management and services | 493,000 | 444,000 | 444,000 | 444,000 |
| Total, Department of Housing and Urban Development: | | | | |
| New budget (obligational) authority | 3,117,000 | 2,808,000 | 2,808,000 | 2,808,000 |
| Increase in limitation | (5,490,000) | (1,441,000) | (1,441,000) | (1,441,000) |
| **DEPARTMENT OF THE INTERIOR** | | | | |
| **Bureau of Land Management** | | | | |
| Management of lands and resources | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 |
| **Bureau of Indian Affairs** | | | | |
| Education and welfare services | 10,450,000 | 10,400,000 | 10,400,000 | 10,400,000 |
| Resources management | 4,504,000 | 4,500,000 | 4,500,000 | 4,500,000 |
| General administrative expenses | 384,000 | 350,000 | 350,000 | 350,000 |
| Total, Bureau of Indian Affairs | 15,338,000 | 15,250,000 | 15,250,000 | 15,250,000 |
| **Bureau of Outdoor Recreation** | | | | |
| Salaries and expenses | 332,000 | 300,000 | 300,000 | 300,000 |
| Land and water conservation (increase in limitation) | (378,000) | (350,000) | (350,000) | (350,000) |
| **Geological Survey** | | | | |
| Surveys, investigations, and research | 9,520,000 | 9,500,000 | 9,500,000 | 9,500,000 |
| **Bureau of Mines** | | | | |
| Mines and minerals | 7,752,000 | 7,746,000 | 6,746,000 | 6,746,000 |
| **Bureau of Sport Fisheries and Wildlife** | | | | |
| Resource management | 5,277,000 | 5,250,000 | 5,250,000 | 5,250,000 |
| **National Park Service** | | | | |
| Operation of the National Park System | 10,743,000 | 10,700,000 | 10,700,000 | 10,700,000 |
| Preservation of historic properties | 283,000 | 283,000 | 283,000 | 283,000 |
| Total, National Park Service | 11,026,000 | 10,983,000 | 10,983,000 | 10,983,000 |
| **Office of Water Resources Research** | | | | |
| Salaries and expenses | | | 80,000 | 80,000 |
| **Bureau of Reclamation** | | | | |
| General Administrative expenses | 775,000 | 1,200,000 | 1,200,000 | 1,200,000 |
| (By transfer) | (460,000) | (----------) | (----------) | (----------) |
| **Bonneville Power Administration** | | | | |
| Operation and maintenance | 1,893,000 | 1,833,000 | 1,833,000 | 1,833,000 |
| **Southwestern Power Administration** | | | | |
| Operation and maintenance | 67,000 | 67,000 | 67,000 | 67,000 |
| **Office of the Solicitor** | | | | |
| Salaries and expenses | 595,000 | 590,000 | 590,000 | 590,000 |
| **Office of the Secretary** | | | | |
| Salaries and expenses | 1,100,000 | 1,070,000 | 1,070,000 | 1,070,000 |
| Departmental operations | 350,000 | 340,000 | 340,000 | 340,000 |
| Total, Office of the Secretary | 1,450,000 | 1,410,000 | 1,410,000 | 1,410,000 |
| Total, Department of the Interior: | | | | |
| New budget (obligational) authority | 59,025,000 | 59,129,000 | 58,209,000 | 58,209,000 |
| By transfer | (460,000) | (----------) | (----------) | (----------) |
| Increase in limitation | (378,000) | (350,000) | (350,000) | (350,000) |
| **DEPARTMENT OF JUSTICE** | | | | |
| **Legal Activities and General Administration** | | | | |
| Salaries and expenses, general administration | 953,000 | 900,000 | 900,000 | 900,000 |
| Salaries and expenses, general legal activities | 3,476,000 | 3,250,000 | 3,250,000 | 3,250,000 |
| Salaries and expenses, Antitrust Division | 1,010,000 | 1,010,000 | 1,010,000 | 1,010,000 |
| Salaries and expenses, U.S. attorneys and marshals | 6,795,000 | 6,650,000 | 6,650,000 | 6,650,000 |
| Salaries and expenses, Community Relations Service | 233,000 | 233,000 | 233,000 | 233,000 |
| **Federal Bureau of Investigation** | | | | |
| Salaries and expenses | 25,788,000 | 25,788,000 | 25,788,000 | 25,788,000 |
| **Immigration and Naturalization Service** | | | | |
| Salaries and expenses | 10,406,000 | 10,406,000 | 10,406,000 | 10,406,000 |
| **Federal Prison System** | | | | |
| Salaries and expenses, Bureau of Prisons | 8,103,000 | 8,103,000 | 8,103,000 | 8,103,000 |
| Federal Prison Industries, Incorporated: Federal Prison Industries Fund: Vocational training and administrative expenses (increase in limitation) | (429,000) | (429,000) | (429,000) | (429,000) |
| **Law Enforcement Assistance Administration** | | | | |
| Salaries and expenses | 612,000 | | | |
| **Drug Enforcement Administration** | | | | |
| Salaries and expenses | 5,434,000 | 5,434,000 | 5,434,000 | 5,434,000 |
| Total, Department of Justice: | | | | |
| New budget (obligational) authority | 62,810,000 | 61,774,000 | 61,774,000 | 61,774,000 |
| Increase in limitation | (429,000) | (429,000) | (429,000) | (429,000) |

| Agency and item | Supplemental estimate H .Doc. 93-266 | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| **DEPARTMENT OF LABOR** | | | | |
| Labor-Management Services Administration | | | | |
| Salaries and expenses | $975,000 | $898,000 | $898,000 | $898,000 |
| Employment Standards Administration | | | | |
| Salaries and expenses | 2,218,000 | 2,218,000 | 2,218,000 | 2,218,000 |
| Bureau of Labor Statistics | | | | |
| Salaries and expenses | 2,465,000 | 1,235,000 | 1,235,000 | 1,235,000 |
| Departmental Management | | | | |
| Salaries and expenses | 1,694,000 | 1,249,000 | 1,249,000 | 1,249,000 |
| Total, Department of Labor: New budget (obligational) authority | 7,352,000 | 5,600,000 | 5,600,000 | 5,600,000 |
| **DEPARTMENT OF STATE** | | | | |
| Administration of Foreign Affairs | | | | |
| Salaries and expenses | 13,130,000 | 13,130,000 | 13,130,000 | 13,130,000 |
| Acquisition, operation, and maintenance of buildings abroad | 185,000 | 185,000 | 185,000 | 185,000 |
| International Organizations and Conferences | | | | |
| Missions to international organizations | 226,000 | 226,000 | 226,000 | 226,000 |
| International trade negotiations | 44,000 | 44,000 | 44,000 | 44,000 |
| International Commissions | | | | |
| International Boundary and Water Commission, United States and Mexico: Salaries and expenses | 311,000 | 311,000 | 311,000 | 311,000 |
| American sections, international commissions | 53,000 | 53,000 | 53,000 | 53,000 |
| International fisheries commissions | 58,000 | 58,000 | 58,000 | 58,000 |
| Educational Exchange | | | | |
| Mutual educational and cultural exchange activities | 787,000 | 787,000 | 787,000 | 787,000 |
| Other | | | | |
| Migration and refugee assistance | 52,000 | 25,000 | 25,000 | 25,000 |
| Total, Department of State: New budget (obligational) authority | 14,846,000 | 14,819,000 | 14,819,000 | 14,819,000 |
| **DEPARTMENT OF TRANSPORTATION** | | | | |
| Office of the Secretary | | | | |
| Salaries and expenses | 1,325,000 | ------ | ------ | ------ |
| Coast Guard | | | | |
| Operating expenses | 39,841,000 | 39,500,000 | 39,500,000 | 39,500,000 |
| Acquisition, construction, and improvements | 557,000 | ------ | ------ | ------ |
| Reserve training | 1,770,000 | 1,770,000 | 1,770,000 | 1,770,000 |
| Research, development, test, and evaluation | 158,000 | ------ | ------ | ------ |
| Federal Aviation Administration | | | | |
| Operations | 83,510,000 | 82,000,000 | 82,000,000 | 82,000,000 |
| Operation of maintenance, National Capital Airports | 342,000 | 342,000 | 342,000 | 342,000 |
| Federal Highway Administration | | | | |
| Salaries and expenses | 373,000 | 300,000 | 300,000 | 300,000 |
| (By transfer) | (6,271,000) | (5,000,000) | (5,000,000) | (5,000,000) |
| Highway beautification | 67,000 | ------ | ------ | ------ |
| Highway-related safety grants, salaries and expenses (by transfer) | (27,000) | (------) | (------) | ------ |
| National Highway Traffic Safety Administration | | | | |
| Traffic and highway safety | 1,311,000 | ------ | ------ | ------ |
| (By transfer) | (------) | (1,000,000) | (1,000,000) | (1,000,000) |
| Federal Railroad Administration | | | | |
| Office of the Administrator, Salaries and expenses | 200,000 | ------ | ------ | ------ |
| (By transfer) | (------) | (200,000) | (200,000) | (200,000) |
| Railroad safety | ------ | ------ | 337,000 | 337,000 |
| (By transfer) | (633,800) | (448,000) | (111,000) | (111,000) |
| St. Lawrence Seaway Development Corporation | | | | |
| Administrative expenses (increase in limitation) | (26,000) | (26,000) | (26,000) | (26,000) |
| National Transportation Safety Board | | | | |
| Salaries and expenses | 300,000 | 280,000 | 280,000 | 280,000 |
| Total, Department of Transportation: New budget (obligational) authority | 129,754,000 | 124,192,000 | 124,529,000 | 124,529,000 |
| By transfer | (6,931,800) | (6,648,000) | (6,311,000) | (6,311,000) |
| Increase in limitation | (26,000) | (26,000) | (26,000) | (26,000) |
| **DEPARTMENT OF THE TREASURY** | | | | |
| Office of the Secretary | | | | |
| Salaries and expenses | 1,153,000 | 950,000 | 950,000 | 950,000 |
| Federal Law Enforcement Training Center | | | | |
| Salaries and expenses | 55,000 | 55,000 | 50,000 | 50,000 |
| Bureau of Accounts | | | | |
| Salaries and expenses | 1,390,000 | 1,390,000 | 1,300,000 | 1,300,000 |
| Bureau of Alcohol, Tobacco, and Firearms | | | | |
| Salaries and expenses | 5,448,000 | 5,448,000 | 5,448,000 | 5,448,000 |
| Bureau of Customs | | | | |
| Salaries and expenses | 16,048,000 | 15,850,000 | 15,500,000 | 15,500,000 |

Footnotes at end of table.

TITLE II—INCREASED PAY COSTS—Continued

| Agency and item | Supplemental estimate H. Doc. 93-266 | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| **DEPARTMENT OF THE TREASURY—Continued** | | | | |
| Bureau of the Mint | | | | |
| Salaries and expenses | $2,015,000 | $1,915,000 | $1,915,000 | $1,915,000 |
| Bureau of the Public Debt | | | | |
| Administering the public debt | 1,880,000 | 1,880,000 | 1,880,000 | 1,880,000 |
| Internal Revenue Service | | | | |
| Salaries and expenses | 2,450,000 | 2,450,000 | 2,400,000 | 2,400,000 |
| Accounts, collection, and taxpayer service | 36,523,000 | 36,523,000 | 36,000,000 | 36,000,000 |
| Compliance | 46,504,000 | 44,500,000 | 44,000,000 | 44,000,000 |
| Office of the Treasurer | | | | |
| Salaries and expenses | 815,000 | 815,000 | 800,000 | 800,000 |
| United States Secret Service | | | | |
| Salaries and expenses | 3,350,000 | 3,350,000 | 3,350,000 | 3,350,000 |
| Total, Department of the Treasury: New budget (obligational) authority | 117,631,000 | 115,126,000 | 113,593,000 | 113,593,000 |
| **INDEPENDENT AGENCIES** | | | | |
| ATOMIC ENERGY COMMISSION | | | | |
| Operating expenses | 11,644,000 | 11,400,000 | 11,200,000 | 11,200,000 |
| Total, Atomic Energy Commission: New budget (obligational) authority | 11,644,000 | 11,400,000 | 11,200,000 | 11,200,000 |
| ENVIRONMENTAL PROTECTION AGENCY | | | | |
| Research and development | 1,200,000 | 1,200,000 | 1,200,000 | 1,200,000 |
| Abatement and control | 2,300,000 | 2,300,000 | 2,300,000 | 2,300,000 |
| Enforcement | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 |
| Agency and regional management | 1,100,000 | 1,100,000 | 1,100,000 | 1,100,000 |
| Total, Environmental Protection Agency: New budget (obligational) authority | 5,600,000 | 5,600,000 | 5,600,000 | 5,600,000 |
| GENERAL SERVICES ADMINISTRATION | | | | |
| Real Property Activities: Operating expenses, Public Building Service | 11,558,000 | 11,250,000 | 11,250,000 | 11,250,000 |
| Personel Property Activities: Operating expenses, Federal Supply Service | 6,123,000 | 5,950,000 | 5,950,000 | 5,950,000 |
| Records activities: Operating expenses, National Archives and Records Service | 2,353,000 | 850,000 | 850,000 | 850,000 |
| Records declassification | 85,000 | 85,000 | 85,000 | 85,000 |
| Automated Data and Telecommunications Service: Operating expenses | 503,000 | 500,000 | 500,000 | 500,000 |
| Property management and disposal activities: Operating expenses, Property Management and Disposal Service | 1,732,000 | 1,732,000 | 1,700,000 | 1,700,000 |
| General activities: Salaries and expenses, Office of Administrator | 202,000 | 200,000 | 200,000 | 200,000 |
| Consumer Information Center | 30,000 | 30,000 | 30,000 | 30,000 |
| Indian tribal claims | 93,000 | 90,000 | 90,000 | 90,000 |
| Administrative operations fund (increase in limitation) | (2,957,000) | (2,957,000) | (2,957,000) | (2,957,000) |
| Emergency preparedness: | | | | |
| Salaries and expenses | 350,000 | 350,000 | 250,000 | 250,000 |
| Defense mobilization functions of Federal agencies | 269,000 | 260,000 | 260,000 | 260,000 |
| Total, General Services Adminstration: | | | | |
| New budget (obligational) authority | 23,298,000 | 21,297,000 | 21,165,000 | 21,165,000 |
| Increase in limitation | (2,957,000) | (2,957,000) | (2,957,000) | (2,957,000) |
| NATIONAL AERONAUTICS AND SPACE ADMINISTRATION | | | | |
| Research and program management | 37,786,000 | 37,600,000 | 37,600,000 | 37,600,000 |
| Total, National Aeronautics and Space Administration: New budget (obligational) authority | 37,786,000 | 37,600,000 | 37,600,000 | 37,600,000 |
| VETERANS' ADMINISTRATION | | | | |
| Medical care | 143,377,000 | 143,377,000 | 143,377,000 | 143,377,000 |
| Medical administration and miscellaneous operating expenses | 1,463,000 | 1,463,000 | 1,463,000 | 1,463,000 |
| General operating expenses | 22,023,000 | 21,623,000 | 21,623,000 | 21,623,000 |
| Construction, minor projects | 315,000 | 315,000 | 315,000 | 315,000 |
| Total, Veterans' Administration: New budget (obligational) authority | 167,178,000 | 166,778,000 | 166,778,000 | 166,778,000 |
| OTHER INDEPENDENT AGENCIES | | | | |
| Action: Operating expenses, domestic programs | 899,000 | 899,000 | 899,000 | 899,000 |
| International programs, Peace Corps | 1,275,000 | 1,000,000 | 1,000,000 | 1,000,000 |
| American Battle Monuments Commission: Salaries and expenses | 353,000 | 300,000 | 300,000 | 300,000 |
| Arms Control and Disarmament Agency | 330,000 | 330,000 | 330,000 | 330,000 |
| Civil Aeronautics Board: Salaries and expenses | 791,000 | 770,000 | 770,000 | 770,000 |
| Civil Service Commission: | | | | |
| Salaries and expenses | 4,780,000 | 4,780,000 | 4,700,000 | 4,700,000 |
| Transfers from trust funds to Salaries and expenses (by transfer) | (1,016,800) | (1,016,800) | (1,016,800) | (1,016,800) |
| Federal Labor Relations Council: Salaries and expenses | 57,000 | 57,000 | 57,000 | 57,000 |
| Commission of Fine Arts: Salaries and expenses | 10,000 | 10,000 | 10,000 | 10,000 |
| Commission on Civil Rights: Salaries and expenses | 300,000 | 250,000 | 250,000 | 250,000 |
| Equal Employment Opportunity Commission: Salaries and expenses | 1,400,000 | 1,400,000 | 1,400,000 | 1,400,000 |
| Farm Credit Administration (increase in limitation) | (126,000) | (126,000) | (126,000) | (126,000) |
| Federal Communications Commission: Salaries and expenses | 1,395,000 | 295,000 | 295,000 | 295,000 |
| Federal Home Loan Bank Board: | | | | |
| Administrative expenses (increase in limitation) | (500,000) | (450,000) | (450,000) | (450,000) |
| Nonadministrative expenses (increase in limitation) | (476,000) | (430,000) | (430,000) | (430,000) |
| Federal Savings and Loan Insurance Coproration: Limitation on administrative expenses (increase in limitaton) | (15,000) | ( ) | ( ) | ( ) |
| Federal Maritime Commission: Salaries and expenses | 426,000 | 385,000 | 385,000 | 385,000 |
| Federal Mediation and Conciliation Service: Salaries and expenses | 770,000 | 770,000 | 770,000 | 770,000 |
| Federal Power Commission: Salaries and expenses | 1,696,000 | 1,600,000 | 1,500,000 | 1,500,000 |
| Federal Trade Commission: Salaries and expenses | 1,896,000 | 1,896,000 | 1,896,000 | 1,896,000 |
| Foreign Claims Settlement Commission: Salaries and expenses | 42,000 | 42,000 | 42,000 | 42,000 |

| Agency and item | Supplemental estimate H. Doc. 93-266 | Recommended in House bill | Amount recommended by Senate | Conference agreement |
|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| Historical and Memorial Commissions: American Revolution Bicentennial Administration: Salaries and expenses | 149,000 | 130,000 | 130,000 | 130,000 |
| Indian Claims Commission: Salaries and expenses | 78,000 | 78,000 | 78,000 | 78,000 |
| Intergovernmental agencies: Advisory Commission on Intergovernmental Relations: Salaries and expenses | 70,000 | 70,000 | 70,000 | 70,000 |
| Interstate Commerce Commission: Salaries and expenses | 2,600,000 | 2,340,000 | 2,340,000 | 2,340,000 |
| National Capital Planning Commission: Salaries and expenses | 111,000 | 100,000 | 100,000 | 100,000 |
| National Council on Indian Opportunity: Salaries and expenses | 14,000 | 7,000 | 7,000 | 7,000 |
| National Labor Relations Board: Salaries and expenses | 1,007,000 | 1,007,000 | 1,007,000 | 1,007,000 |
| National Mediation Board: Salaries and expenses | 63,000 | 63,000 | 63,000 | 63,000 |
| National Science Foundation: Salaries and expenses | 1,860,000 | 1,860,000 | 1,860,000 | 1,860,000 |
| (Increase in limitation on program development and management) | (1,860,000) | (1,860,000) | (1,860,000) | (1,860,000) |
| Railroad Retirement Board: Limitation on salaries and expenses (increase in limitation) | ($1,387,000) | ($1,387,000) | ($1,387,000) | ($1,387,000) |
| Renegotiation Board: Salaries and expenses | 115,000 | 115,000 | 115,000 | 115,000 |
| Securities and Exchange Commission: Salaries and expenses | 2,427,000 | 2,200,000 | 2,200,000 | 2,200,000 |
| Selective Service System: Salaries and expenses | 4,250,000 | 4,250,000 | 4,250,000 | 4,250,000 |
| Small Business Administration: | | | | |
| Salaries and expenses | 850,000 | 850,000 | 850,000 | 850,000 |
| (By transfer) | (3,450,000) | (3,450,000) | (3,450,000) | (3,450,000) |
| Smithsonian Institution: Salaries and expenses | 3,203,000 | 3,150,000 | 3,150,000 | 3,150,000 |
| National Gallery of Art: Salaries and expenses | 370,000 | 370,000 | 370,000 | 370,000 |
| Tariff Commission: Salaries and expenses | 343,000 | 300,000 | 300,000 | 300,000 |
| U.S. Information Agency: | | | | |
| Salaries and expenses | 7,062,000 | 7,062,000 | 7,062,000 | 7,062,000 |
| Special international exhibitions | 138,000 | 138,000 | 138,000 | 138,000 |
| Total, other independent agencies: | | | | |
| New budget (obligational) authority | 41,130,000 | 38,874,000 | 38,694,000 | 38,694,000 |
| (By transfer) | (4,466,800) | (4,466,800) | (4,466,800) | (4,466,800) |
| (Increase in limitation) | (4,364,000) | (4,253,000) | (4,253,000) | (4,253,000) |
| DISTRICT OF COLUMBIA [2] | | | | |
| District of Columbia funds: | | | | |
| General operating expenses | (1,437,000) | (1,437,000 | (1,437,000) | (1,437,000) |
| Public safety | (1,398,000) | (1,398,000) | (1,398,000) | (1,398,000) |
| Education | (1,261,000) | (1,261,000) | (1,261,000) | (1,261,000) |
| Recreation | (240,000) | (240,000) | (240,000) | (240,000) |
| Human resources | (2,737,000) | (2,737,000) | (2,737,000) | (2,737,000) |
| Highways and traffic | (394,000) | (394,000) | (394,000) | (394,000) |
| Environmental services | (1,191,000) | (1,191,000) | (1,191,000) | (1,191,000) |
| Total, District of Columbia: New budget (obligational) authority, District of Columbia funds | (8,658,000) | (8,658,000) | (8,658,000) | (8,658,000) |
| ANNEXED BUDGETS | | | | |
| EXPORT-IMPORT BANK OF THE UNITED STATES | | | | |
| Limitation on administrative expenses (increase in limitation) | (566,000) | (525,000) | (525,000) | (525,000) |
| Total, annexed budgets: (increase in limitation) | (566,000) | (525,000) | (525,000) | (525,000) |
| Total, title II: | | | | |
| New budget (obligational) authority | 3,620,751,824 | 3,399,274,095 | 3,380,443,595 | 3,344,791,595 |
| By transfer | (62,963,600) | (56,397,800) | (55,560,800) | (55,560,800) |
| Increase in limitation | (19,602,000) | (15,021,000) | (15,373,000) | (15,373,000) |
| Liquidation of contract authority | (6,000,000) | (5,500,000) | (5,500,000) | (5,500,000) |

[1] Includes $75,745 in S. Doc. 93-66.

[2] Estimates contained in S. Doc. 93-75.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, I agree with the distinguished chairman of the Appropriations Committee. All the differences have been resolved unanimously I see no need, really, for further discussion, in view of the explanation that the Senator has made for the record. I am sure there is no opposition.

Mr. MAGNUSON. Mr. President, I shall make only a few brief remarks.

The total appropriations allowed in conference for chapter VII of the fiscal year 1974 supplemental appropriations bill for the Department of Labor and Health, Education, and Welfare and related agencies is $1,354,206,000. This sum is $68,871,000 above the budget estimates, $69,234,000 under the total sum recommended by the Senate, and $65,004,000 above the amount allowed by the House.

Mr. President, I ask unanimous consent to place in the RECORD a table showing all the comparative figures.

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

(See exhibit 1.)

Mr. MAGNUSON. Mr. President, as usual this was a difficult conference. All the Senate conferees worked hard to provide as much of the Senate increases for chapter VII of this bill as were possible—and in the areas of greatest need.

We are just as disappointed as some Members that we could not do better in providing a larger sum in some areas. I am particularly disappointed that we were not able to provide more money for public service employment and summer youth programs, part-time job opportunities for older Americans, and certain educational programs such as Follow Through and bilingual education. And yet, I think we can point with some pride to the improvements in the bill resulting from Senate action—more jobs, more educational opportunities, and more money for emergency food and nutrition services—that demonstrate to the American people that the Members of this body have compassion and are concerned over the welfare of their fellow citizens.

PUBLIC SERVICE EMPLOYMENT PROGRAM

In recognition of the spiraling inflation and high unemployment in the economy, as well as concern for the special unemployment problems of the tornado-devastated areas of the Midwest and the special unemployment problems of veterans attempting to pursue their education under the GI bill, the Senate had included a substantial increase for public service employment over the budget request and the House allowance. As the Members may recall, the President's budget recommended a billion dollar cut in this program—a decrease from $1.25 billion to $250 million. The budget would have also completely wiped out the old Emergency Employment Act program. The conference agreement, while falling short of the Senate proposal, will provide a significant improvement over the budget request. The conferees have agreed to $620 million for public service jobs. This includes $250 million to keep the on-going Emergency Employment Act program in existence and also includes $370 million to initiate the new new public service job provisions of the Comprehensive Employment and Training Act, which the Members voted on only a couple of months ago. The amount for public service jobs agreed to in conference will provide useful employment for more than 88,500 Americans, including work at hospitals, day-care centers, education and recreation programs, and disaster cleanup efforts.

Mr. President, I want to again stress the importance of this public jobs program. We are talking about a program

that means much more than just giving people work. Of course, that is the major goal of the program but, more importantly, it provides the self-esteem, the confidence, and the respect that comes from hard work. These are the intangible benefits.

SUMMER YOUTH PROGRAMS

In the area of summer youth programs, both the President's budget request and the House allowance failed to take into account the recently enacted minimum wage legislation. Nor did the budget request or the House allowance provide specifically for recreation and transportation activities. The net effect of these proposals would have been to slash almost 200 million job opportunities from the level of summer youth jobs provided by the Congress last year. The conference agreement—while not providing as much as the Senate proposal—does provide more than 732,000 job opportunities, at the new $2-per-hour minimum wage, which is 154,000 more job opportunities than the amount the House allowance would have provided. The conference agreement includes $17 million specifically for recreation and transportation activities. While this is not as much as some would have liked, it is a considerable improvement over the budget request and the House allowance.

Unfortunately, the House was adamant in its opposition to the Senate proposal for an additional $10 million to support 4,000 jobs for the elderly. Although these citizens are the hardest hit by the unemployment situation, the Department of Labor has failed to release the $10 million appropriated for this purpose last fall in the first 1974 supplemental. This action—or lack of it—by the Department of Labor is very disappointing to me, personally, and apparently is reflective of the attitude of benign neglect taken by the Department of Labor toward our elderly citizens. This attitude treats growing old as a sacrifice. It forsakes our senior citizens in order to comply with some arbitrary budget controls cooked up downtown.

STATE EMPLOYMENT SECURITY AGENCIES

I am pleased that the conferees agreed with the amount recommended by the Senate for State employment security agencies, providing sufficient funds to prevent further staff layoff and the imminent closing of dozens of local employment offices. The conference action made the entire $81 million available through June 30, 1975.

RESCISSION OF $1.2 BILLION IN SURPLUS WELFARE APPROPRIATIONS

The conferees agreed upon a rescission of $1,188,000,000 in surplus welfare appropriations. As the Members know, the committee was the first to uncover this surplus back in April when HEW was reluctant to open its books to us. As the Members may recall, once the committee identified that there was, in fact, a surplus, the administration, in a lame attempt to take credit for the surplus, rushed a rescission proposal in the amount of $783 million up to the Hill. As the conferees have subsequently established, the rescission figure proposed by the administration was off the mark by some $400 million. I am hopeful that the Department will not repeat these mistakes during the processing of the fiscal year 1975 Labor-HEW bill. Rather, we could all benefit if the Department will be candid in its testimony and work cooperatively with the committee to establish the accuracy of the estimates for welfare. I should emphasize that this rescission will in no way affect services or benefits to those who are eligible. The rescission represents surplus appropriations that will not be used. The money is just sitting downtown, and the conferees have, in effect, withdrawn these surplus funds and put them into public service jobs for people who want and are able to work.

INCREASED EDUCATIONAL OPPORTUNITIES

With respect to education programs, the conferees have included $20 million to continue the Follow Through program for another year and to provide additional funds for bilingual education programs. Neither the budget request nor the House allowance provided for either of these items. In the case of Follow Through, the Congress was presented with a budget plan that made little sense. Here is a program that serves 81,000 children—HEW admits it is a success—but they want to eliminate it. The conferees are also informed that the administration is formulating a budget amendment in the bilingual education area in order to assist States and localities to carry out the recent mandates of the courts in this area. I am encouraged to know that the administration is developing this proposal, and I would hope that the request will soon be transmitted to the Congress. Inasmuch as the House has already concluded its hearings, and the Senate is nearing the close of its hearings, an amendment to the fiscal year 1975 budget is already late and may completely miss the House action on the fiscal year 1975 Labor-HEW appropriations bill.

OTHER ITEMS OF INTEREST

Mr. President, as the Members may recall, the committee report on the fiscal year 1974 second supplemental appropriations bill raised concern with the manner in which the Department of Health, Education, and Welfare has been administering the withholding provision included in the regular fiscal year 1974 Labor-HEW Appropriations Act. I must advise the Members that so far, the Secretary of HEW has not responded satisfactorily to the concerns raised in that report. I have again written to the Secretary outlining the committee's position and requesting that the Secretary work with the General Accounting Office to identify any funds withheld in excess of the 5-percent withholding provision and to release any funds so identified, as provided in the Public Law. Here again I should reiterate that in the execution of the 5-percent withholding provision, the public law is controlling. The table in the conference report is an important guideline; however, the table, as important as it is, is not a part of the public law. For this reason, it could be viewed differently by others, including the courts. On the other hand, I wish to report to the Members that some progress is being made with regard to the committee's concerns on multiyear funding, which the committee, in its report, described as a new form of impoundment.

The Secretary has indicated that all multiyear funding will cease as of the date of the issuance of our Senate report on May 3, in which we specifically raised our concern about this matter. Although we have made some progress with the Secretary on this matter, I am concerned that this did occur; and plan to see that it does not occur again. I am encouraged, however, with the Secretary's willingness to face up to this issue once it was called to his attention by the committee. I suppose it is possible that the Secretary was ill advised by his staff regarding the longstanding practices and procedures on reprogramings that were reiterated and reemphasized by former Congressman Melvin Laird when he was ranking minority member on the House Labor-HEW Appropriations Subcommittee.

As the Secretary and his staff should know, the longstanding practice of seeking congressional consent for the use of appropriated funds in a way different from which these funds were justified before the Congress is not a partisan or political issue. Rather, it is reflective of the separation of powers and the mutual respect for the prerogatives of one branch for the other. It is in this spirit of mutual respect and honest compromise that I hope that we can continue to fulfill our oversight responsibilities and resolve our differences with the Secretary.

I am delighted that the conferees agreed to provide an additional $12.5 million for the food and nutrition component of the emergency food and medical services program administered by the Office of Economic Opportunity.

The 22-percent food inflation rate during the past year had threatened a severe cutback in vital food and nutrition services to the needy—especially the elderly.

Let me reiterate in the strongest possible terms the Congress desire to see this program strengthened and supported.

CONCLUSION

Mr. President, in closing let me state that I thought that chapter VII of the Senate bill was a good one. The conference report before you today provides for an amount that should prove very helpful. The amounts provided for some items are not entirely to my satisfaction. However, in the main, there will be adequate funds to meet necessary supplemental expenses for the Department of Labor and Health, Education, and Welfare and the related agencies for fiscal year 1974—and we will be coming back soon with the fiscal year 1975 Labor-HEW bill to see if more can be done.

EXHIBIT I

CONFERENCE AGREEMENT ON SECOND SUPPLEMENTAL BILL (H.R. 14013)—CHAPTER VII: DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES

| Department or activity | Budget estimate | House bill | Senate bill | Conference agreement | Conference agreement compared with— Budget | House bill | Senate bill |
|---|---|---|---|---|---|---|---|
| DEPARTMENT OF LABOR | | | | | | | |
| Program Administration | $71,762,000 | $71,762,000 | $71,762,000 | $71,762,000 | | | |
| Comprehensive Manpower Assistance: | | | | | | | |
| Ongoing manpower programs | 1,340,000,000 | 1,340,000,000 | 1,340,000,000 | 1,340,000,000 | | | |
| Existing public employment program | | 250,000,000 | 412,500,000 | 250,000,000 | +$250,000,000 | | −$162,500,000 |
| New public employment program | 250,000,000 | 250,000,000 | 412,500,000 | 370,000,000 | +120,000,000 | −$120,000,000 | −42,500,000 |
| Summer youth jobs | 208,584,000 | 208,584,000 | 364,584,000 | 288,584,000 | +80,000,000 | +80,000,000 | −76,000,000 |
| Summer youth recreation and transportation | | | 17,000,000 | 17,000,000 | +17,000,000 | +17,000,000 | |
| Total | 1,798,584,000 | 2,048,584,000 | 2,546,584,000 | 2,265,584,000 | +467,000,000 | +217,000,000 | −281,000,000 |
| Community Service Employment for Older Americans | | | 10,000,000 | | | | −10,000,000 |
| Limitation on Grants to States for Unemployment Insurance and Employment Services | (85,000,000) | (85,000,000) | (81,000,000) | (81,000,000) | (−4,000,000) | (−4,000,000) | |
| Total, Department of Labor | 1,870,346,000 | 2,120,346,000 | 2,628,346,000 | 2,337,346,000 | +467,000,000 | +217,000,000 | −291,000,000 |
| DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE | | | | | | | |
| Health Services Delivery: Health maintenance organizations | 65,000,000 | 60,700,000 | [1] (60,700,000) | 60,700,000 | −4,300,000 | | +60,700,000 |
| Preventive Health Services: | | | | | | | |
| Lead-based paint program | | | [1] (5,000,000) | 2,500,000 | +2,500,000 | +2,500,000 | +2,500,000 |
| Arctic health center | | | [1] (2,000,000) | 1,000,000 | +1,000,000 | +1,000,000 | +1,000,000 |
| National Cancer Institute | | | [1] (9,500,000) | Report Language | | | |
| Elementary and Secondary Education: | | | | | | | |
| Follow Through | | | [1] (20,000,000) | 12,000,000 | +12,000,000 | +12,000,000 | +12,000,000 |
| Bilingual education | | | [1] (20,000,000) | 8,000,000 | +8,000,000 | +8,000,000 | +8,000,000 |
| Higher Education: Continuing education centers | | | [1] (400,000) | 250,000 | +250,000 | +250,000 | +250,000 |
| Salaries and Expenses, Office of Education | 3,449,000 | 1,725,000 | [1] (394,000) | 394,000 | −3,055,000 | −1,331,000 | +394,000 |
| Student Loan Insurance Fund | 30,785,000 | 30,785,000 | [1] (30,785,000) | 30,785,000 | | | +30,785,000 |
| National Institute of Education | 25,000,000 | | | | −25,000,000 | | |
| Grants to States for Public Assistance (Rescission) | −783,000,000 | −1,000,000,000 | −1,225,000,000 | −1,188,000,000 | −405,000,000 | −188,000,000 | +37,000,000 |
| Social and Rehabilitation Services | 20,000,000 | 20,000,000 | [1] (22,000,000) | 21,000,000 | +1,000,000 | +1,000,000 | +21,000,000 |
| Special Benefits for Disabled Coal Miners | 44,311,000 | 44,311,000 | [1] (44,311,000) | 44,311,000 | | | +44,311,000 |
| Special Institutions: | | | | | | | |
| Model Secondary School/Deaf | 50,000 | | | | −50,000 | | |
| Gallaudet College | 438,000 | 438,000 | [1] (438,000) | 438,000 | | | +438,000 |
| Howard University | 3,362,000 | 3,362,000 | [1] (3,362,000) | 3,362,000 | | | +3,362,000 |
| Office of Child Development: Child abuse program | | 4,500,000 | [1] (4,500,000) | 4,500,000 | +4,500,000 | | +4,500,000 |
| Office of the Secretary | 5,000,000 | 2,950,000 | [1] (2,950,000) | 2,950,000 | −2,050,000 | | +2,950,000 |
| Total, Department of Health, Education, and Welfare | −585,605,000 | −831,229,000 | −1,225,000 | −995,810,000 | −410,205,000 | −164,581,000 | +229,190,000 |
| Total by transfer | | | [1] (226,340,000) | | | | [1] (−226,340,000) |
| RELATED AGENCIES | | | | | | | |
| Federal Mediation and Conciliation Service | 594,000 | 85,000 | 594,000 | 170,000 | −424,000 | +85,000 | −424,000 |
| Office of Economic Opportunity: | | | | | | | |
| Emergency food and medical services | | | 12,500,000 | 12,500,000 | +12,500,000 | +12,500,000 | |
| Legal services | | | 7,000,000 | Report Language | | | −7,000,000 |
| Total, Office of Economic Opportunity | | | 19,500,000 | 12,500,000 | +12,500,000 | +12,500,000 | −7,000,000 |
| Grand total, ch. VII | 1,285,335,000 | 1,289,202,000 | 1,423,440,000 | 1,354,206,000 | +68,871,000 | +65,004,000 | −69,234,000 |
| By transfer | | | [1] (226,340,000) | | | | [1] (−226,340,000) |
| Trust fund limitation | [1] (85,000,000) | [1] (85,000,000) | [1] (81,000,000) | [1] (81,000,000) | [1] (−4,000,000) | [1] (−4,000,000) | |

[1] By transfer.

Mr. BAYH. Mr. President, I would like to make a few brief remarks.

I wish to thank the distinguished chairman of our committee (Mr. McCLELLAN), and the ranking minority member (Mr. YOUNG), and the conferees, for the fine work they have done on the second supplemental appropriations bill. I wish to reserve special thanks for the chairman of the Labor-HEW Subcommittee (Mr. MAGNUSON), and the ranking minority member of that subcommittee, (Mr. COTTON) for their very fine efforts in negotiating the Senate position with the House on the very important chapter VII of the second supplemental. This is the chapter that deals with human needs.

As Chairman MAGNUSON has indicated, he is disappointed that we were not able to provide more money for public service employment, summer youth programs, and some of the other programs. Nevertheless, I think we can all share some pride in pointing to the improvements in the bill resulting from Senate action.

SURPLUS WELFARE COSTS CUT $1.2 BILLION

I am pleased with the conferees' action in agreeing upon a rescission or cut of $1,188,000,000 in surplus welfare appropriations. As the Members know, the Appropriations Committee was the first to uncover this surplus back in April. Even then, HEW was reluctant to open its books to us and refused to engage in candid and frank discussion about this surplus. It seems ironic to me that the same people who would have Congress cut back funds in health and education were conspicuously silent when it came to admitting to a surplus in the welfare program. At the request of Senator MAGNUSON, I chaired hearings on this welfare surplus, and I would like to offer some advice to the officials downtown.

I believe they made two mistakes in the handling of this situation: First of all, they were not candid in revealing the existence of a surplus as soon as it was discovered. They tried to cover it up. This was their first mistake. Secondly, once we were able to uncover the fact that the surplus existed, the Department and the administration rushed up to Capitol Hill with a proposal to rescind or cut the welfare budget by $783 million. This figure was some $400 million off the mark. I think this was their second mistake—the submission of a figure that again proved to be wrong. These actions by the administration do nothing to increase congressional or public confidence in the Department.

PUBLIC SERVICE EMPLOYMENT

I also wish to express my thanks to my fellow conferees for the action of the conference in agreeing to an amount of $620 million for public service jobs. These jobs can be used by veterans on a part-time basis while they are pursuing an education under the GI bill. Young Vietnam veterans presently face a 10 percent unemployment rate, and in many cases, find it difficult to secure the part-time employment needed to augment GI benefits. The funds provided by the con-

ferees for public service jobs should prove very helpful in assisting these veterans to take advantage of higher education opportunities at some of the excellent public and private institutions of higher learning in Indiana and elsewhere.

These public service jobs can also be used to help clean up the areas of Indiana and other Midwest States which were hard hit by the recent tornadoes. The Department of Labor has indicated that they plan to comply with the language of the Senate Report, which suggested that the Department of Labor should mount a crash program of disaster clean-up in the tornado-stricken areas under the public service employment program.

As the Members may recall, the President's budget for fiscal year 1974 proposed a $1 billion cut in this program—despite the high level of unemployment in the economy. What we have done is take some of the money we have saved in the welfare cut and simply put it back into providing useful public service jobs for people who want to and are able to work. The $370 million increase over the President's budget request provided by the conferees in the public service jobs program will provide a more realistic level of 88,500 jobs for the unemployed compared to the administration's request for only 35,700 jobs. I believe this is a wise investment of the taxpayers' dollar since it costs less to provide jobs than it does to force people on welfare. This program provides the self-esteem, the confidence, and the respect that comes from hard work. I believe most people want to work, but in this time of high unemployment, I believe the Congress has an obligation to help create the job opportunities in areas of highest need where the private sector cannot fill the need.

DISASTER RELIEF

Mr. President, I am also very pleased that the conferees agreed to provide an additional $32.6 million for disaster relief in chapter V of the bill. This amount, together with a higher than anticipated carryover of $88.6 million, will provide the full $121.2 million currently estimated to be needed for all 131 presently declared disasters. This includes recent tornadoes that devastated Indiana and the other Midwest States. I am pleased that the conferees have also indicated that the Congress stands ready to provide any additional funds that are necessary for disaster relief when the funding requests are considered for fiscal year 1975. I am hopeful that the citizens who have suffered so much in these disasters will be encouraged by these efforts of Congress and will feel that their Government and their fellow citizens are pulling for them.

FIVE PERCENT WITHHOLDING PROVISION

Mr. President, as the Members may recall, the committee report on the Second Fiscal Year 1974 Supplemental Appropriations bill indicated that committee's concern with the manner in which HEW has been administering the withholding provision included in the regular fiscal year 1974 Labor-HEW Appropriations Act. I am just as disappointed as the other Members that this issue had to be raised in the report.

I am even more concerned by Senator MAGNUSON's report to the Senate that the Secretary has not yet responded satisfactorily to the concerns raised in that report. Because I was one of those who recommended many of the increases in medical research that were eventually adopted by the committee and the Congress in the regular 1974 Labor-HEW bill, I am very disappointed that the Department is not scrupulously following the language of the public law. The law indicates that no appropriation or activity, program, or project with an appropriation, could be reduced by more than 5 percent. The definition of appropriation, activity, program, or project is not unclear. These terms are used time and time again by the President in his budget request, by the Department in their testimony before the Appropriations Committee, and in the justifications submitted to the committee. I am still hopeful, however, that the Secretary of HEW will come into compliance with the public law by the close of the fiscal year and that court action will not be necessary in this case as it has in some 30 other instances where HEW has misread the intent of public law.

MULTIYEAR FUNDING

Mr. President, I am encouraged by the report made by the distinguished chairman of the Labor-HEW Appropriations Subcommittee with regard to the committee's concerns on multiyear funding. According to the chairman's report, the Secretary has indicated that most multiyear funding will cease as of the date of the issuance of our Senate report on May 3. Although this is progress, it does not seem to me that the Department should have gone ahead with multi-year funding without the explicit consent of Congress. To do otherwise, it seems to me, is to show utter disregard for longstanding reprograming practices and results in destroying the appropriations process and reinstituting illegal impoundments.

In any case, I am encouraged by the report of the chairman on this matter.

CONCLUSION

Mr. President, again let me state my thanks to my fellow conferees, to the chairman of the full committee, and to the chairman of the Labor-HEW Subcommittee. These men, as did all the conferees, worked very hard to provide the improvements over the President's budget and the House allowance.

I am not completely satisfied with the amounts provided for a number of the items; however, there are substantial improvements over the President's budget and the House allowance, especially in the area of public service jobs, summer youth programs, the Follow Through program, and some of the other areas.

Mr. JAVITS. Mr. President, I support the conference report on H.R. 14013, the Second Supplemental Appropriations bill.

I am particularly pleased that the conference retained substantial amounts of a number of items which I and others had originally requested relating to programs under the Comprehensive Employment and Training Act of 1973.

First, for the summer youth job program, under sections 3 and 304 of CETA, the committee bill would provide $288,584,000. Together with the $91,416,000 in carried over funds, this would provide 732,197 9-week opportunities for economically disadvantaged youth 14 to 21 years of age, at the new minimum wage.

The Senate bill had provided $364.5 million as an addition to the $91.4 million for the provision of 878,616 slots. The House, following the administration's request, had provided $208.6, which in addition to the $91.4, would have provided an aggregate of 578,032 jobs.

The conference agreement amount is 379,286 short of the 1,111,483 slots documented as the minimum that could be effectively used this summer by the National League of Cities—U.S. Conference of Mayors, which I had originally requested in testimony before the HEW-Labor Appropriations Subcommittee on March 26. I was joined by 25 of my colleagues in requesting these funds and funds for recreation and transportation, as I shall note, including Senators ABOUREZK, BAYH, BEALL, BROOKE, BURDICK, CASE, CLARK, CRANSTON, GRAVEL, HART, HASKELL, HATHAWAY, HUMPHREY, KENNEDY, MATHIAS, MCGOVERN, MONDALE, MOSS, MUSKIE, NELSON, RIBICOFF, STAFFORD, TAFT, TUNNEY, and WILLIAMS.

But the funds in the conference bill, together with carried over funds, will make it possible to maintain a program at the basic level of last summer in terms of full 9-week slots; last summer, 753,749 opportunities were provided but, because the program started late, many of the opportunities were for a period of less than 9 weeks.

Second, for the summer youth recreation and transportation programs, the conference bill provides $17 million, which is the level of the Senate bill.

The administration had made no request for these purposes and the House had not included any funds at all for these activities.

This, too, will make possible the maintenance of programs at approximately last year's levels, when $16.7 million was available.

Third, for public service jobs, the conference agreements provides $620 million for 88,571 jobs. This consists of $370 million under title II of CETA for areas having 6 percent or greater un-

employment and $250 million under section 3, the transition provision of the Comprehensive Employment and Training Act, which will be allocated generally throughout the country as under the Emergency Employment Act.

The Senate bill had included $825 million for 117,857 jobs and the House had included $500 million for 71,428 jobs. These were increases over the administration's request for $250 million which would have provided 35,714 positions.

The Senate action came about as a result of requests made by Senators KENNEDY, CRANSTON, NELSON, MONDALE, PERCY, HART, BAYH, and myself.

I regret that the conference did not retain the Senate provision which I had originally requested for $7 million for the legal services program to permit maintenance of the program in transition to the new Legal Services Corporation under H.R. 7824, the Legal Services Corporation Act of 1974.

However, we expect shortly action on that conference report in the Senate which has already passed the House and are urging that the President sign the bill at the earliest moment.

Accordingly, when that bill becomes law, I hope that the Committee on Appropriations will join with us in promptly seeking funds for the program by continuing resolution or regular appropriation.

Mr. President, I am very pleased with the actions of the conference committee and I wish to express my special gratitude to the chairman of the Senate committee, Senator MCCLELLAN, to the chairman of the Senate Subcommittee on Labor-HEW Appropriations, Senator MAGNUSON, to Senators CASE and BROOKE, members of that committee, and members of the conference who were instrumental in respect to the inclusion of these elements in the Senate bill and in their retention in the conference.

Mr. President, I ask unanimous consent that there be printed in the RECORD letters to the President, dated March 28, 1974, April 19, 1974, and April 23, 1974, regarding the summer youth job and recreation situation, in which I was joined by a number of my colleagues.

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

U.S. SENATE,
*Washington, D.C., April 23, 1974.*

DEAR MR. PRESIDENT: We wrote you on March 28, 1974, urging that the Administration submit a new revised budgetary request for fiscal year 1974 for this summer's youth job program and related transportation and recreation activities.

We are writing again in order to revise our request in light of the provisions of the Fair Labor Standards Act Amendments of 1974, which you signed into law on April 8, 1974; under the new law, the new minimum wage of $2.00 per hour will be applicable to the summer youth job program in lieu of the previous wage of $1.60 per hour which was utilized in determining the aggregate amount of our original request.

Our request now consists of an aggregate of $586,506,386, as follows:

First, $556,295,082 for the summer youth job program conducted under sections 3(c) and 304 of the Comprehensive Employment and Training Act of 1973 to provide (together with $91,416,000 in carried over funds which the Administration plans to use for these purposes) an aggregate of 1,111,483 ten-week opportunities for poor youth ages 14 to 21, each opportunity providing 26 hours of employment each week at the new minimum wage of $2.00 per hour.

We note that even the $300.0 million level planned by the Administration (consisting of $208.6 million in supplemental funds and the $91.4 million in carried over funds) would not now provide the 709,200 nine-week opportunities originally indicated. To maintain 709,200 opportunities, approximately the level of last year, will require under the new minimum wage law, an additional $68.0 million in supplemental funds.

We consider a ten-week program, as originally designed, preferable to a nine-week program so that youth will have meaningful activities for the greater part of the summer months and will be able to increase their overall earnings, which they use to return to school, or to otherwise supplement the family income; the program was cut to nine-weeks in recent years, principally because of delays in funds actually becoming available, a prospect which can be avoided by early action this year.

We note, however, for your information, that to provide the 1,111,483 opportunities as nine-week opportunities, would require an aggregate of $481,523,974 in new funds.

Second, $26,284,082 for recreational support under the Economic Opportunity Act of 1974 and the Manpower Development and Training Act of 1962, authorities which do not expire until June 30. In fiscal year 1973, $15,000,000 was made available. The Administration has not requested any funds for this purpose for fiscal year 1974.

Third, $3,927,222 for transportation under the new Act, as also authorized under previous authorities. In fiscal year 1973, $1,700,000 was made available. The Administration has not requested any funds for this purpose for this fiscal year.

These revised requests are documented on a city-by-city basis—including the fifty largest cities and other areas—in the enclosed letter dated April 19, 1974 and attachments to Senator Javits from the National League of Cities-U.S. Conference of Mayors.

As we indicated in our previous letter, we believe that the unemployment situation among youth—with unemployment levels of 30 to 40 percent in some areas—further aggravated by the energy crisis, makes necessary increases above the amount requested for jobs, as well as the provision of basic amounts in related transportation and recreation activities.

We note that under the Administration's plans for this fiscal year, the States and cities will not have sufficient general resources for manpower training and public service employment, to which to look for satisfaction of these additional needs. The Administration's revised plans, under the new Comprehensive Employment and Training Act of 1973 of $1.3 billion for training and work experience (exclusive of the $300.0 million planned for summer jobs) and the $250.0 million for public service employment would provide $800 million less than the $2.38 billion appropriated for those elements in fiscal year 1973 under the previous authorities.

Furthermore, the private sector will not be able to take up the slack. The National Alliance of Businessmen, which provided 253,000 opportunities last summer, has set a goal of only 200,000 for this summer, in appreciation of difficulties in placement which will arise from the energy crisis and the projected economic situation generally.

In fact, the Department of Labor estimates that the "target group" for the program for this summer will include 3.4 million poor youth—over four times the number covered under the Administration's plans. Even our request, which is based on the number which the cities could "effectively use", would meet the needs of less than ⅓ of those who could benefit.

Accordingly, in order to permit early and meaningful planning of an adequate program, at the local level, we would appreciate any consideration given to these requests in connection with H.R. 14013, the Second Supplemental Appropriations bill now under consideration in the Senate.

Sincerely,

Jacob K. Javits, Robert T. Stafford, Gaylord Nelson, Mike Gravel, Frank E. Moss, George McGovern, John V. Tunney, James Abourezk, Dick Clark, Robert Taft, Jr., Quentin N. Burdick, Walter F. Mondale, Edward W. Brooke, Clifford P. Case, Abraham Ribicoff, Hubert H. Humphrey, William D. Hathaway, Philip A. Hart, Floyd K. Haskell, Alan Cranston, Harrison A. Williams.

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NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
*April 19, 1974.*

HON. JACOB K. JAVITS,
*U.S. Senate,*
*Russell Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR JAVITS: As in the past several years, we have again surveyed the nation's cities to determine the needs for the youth programs for the approaching summer.

On the basis of our survey:

First, surveys of summer jobs in cities show a need of 669,305 slots for a total of 1,111,483. This would require an aggregate federal fund of $647,711,082, or $347,711,082 above the Administration's request.

Second, with respect to recreation estimates, the cities estimated their needs for this summer total $26,284,082.

Third, with respect to transportation, $3.9 million is needed.

As you well know, the recreation and transportation components of the summer youth programs are essential to provide disadvantaged youngsters with constructive activity during the summer months. These figures reflect the enactment of the Fair Labor Standards Act amendments of 1974. We enclose a chart that is the basis of these requests.

We emphasize that these are amounts which could be effectively utilized this summer, and these amounts are still far short of the total number of youths that could benefit from these efforts.

We would appreciate your assistance in assuring adequate funding for the summer jobs program as well as inclusion of funds for a recreation support and transportation program in the FY 74 Supplemental.

Sincerely,

JOHN J. GUNTHER,
*Executive Director,*
*U.S. Conference of Mayors.*

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ALLEN E. PRITCHARD, JR.,
*Executive Vice President,*
*National League of Cities.*

SUMMER YOUTH EMPLOYMENT

| City | Population | Slots | | | | Dollars [2] |
|---|---|---|---|---|---|---|
| | | 1973 need | 1973 actual [1] | | 1974 need | 1974 need |
| Region I: Boston | 641,000 | 6,400 | 5,901 | (5,311) | 13,000 | $7,605,000 |
| Region II: | | | | | | |
| Buffalo | 463,000 | 6,834 | 1,931 | (1,738) | 6,834 | 3,454,177 |
| Newark | 382,000 | 14,563 | 5,771 | (5,194) | 14,563 | 8,519,355 |
| New York | 7,868,000 | 77,500 | 56,380 | (50,742) | 77,500 | 39,171,600 |
| Rochester | 296,000 | 4,650 | 1,316 | (1,184) | 4,650 | 2,350,296 |
| Region III: | | | | | | |
| Baltimore | 906,000 | 9,420 | 9,000 | (8,100) | 9,420 | 5,510,700 |
| Norfolk | 308,000 | 3,500 | 2,110 | (1,899) | 4,200 | 2,457,000 |
| Philadelphia | 1,949,000 | 15,000 | 3,000 | (2,700) | 15,000 | 8,775,000 |
| Pittsburgh | 520,000 | 9,265 | 4,000 | (3,600) | 9,265 | 5,420,025 |
| Washington, D.C. | 757,000 | 20,000 | 14,000 | (12,600) | 20,000 | 11,700,000 |
| Region IV: | | | | | | |
| Atlanta | 497,000 | 5,388 | 2,361 | (2,125) | 5,388 | 3,151,980 |
| Birmingham | 301,000 | 2,774 | 1,100 | (990) | 2,774 | 1,622,790 |
| Jacksonville | 529,000 | 2,500 | 2,258 | (2,032) | 2,500 | 1,462,500 |
| Louisville | 361,000 | 3,500 | 3,706 | (3,335) | 3,706 | 2,168,010 |
| Memphis | 624,000 | 2,394 | 2,400 | (2,160) | 2,400 | 1,404,000 |
| Miami | 335,000 | 8,226 | 960 | (864) | 8,226 | 4,812,210 |
| Nashville | 448,000 | 2,000 | 2,343 | (2,109) | 2,343 | 1,370,655 |
| Tampa | 278,000 | 6,515 | 865 | (779) | 6,515 | 3,811,275 |
| Region V: | | | | | | |
| Chicago | 3,367,000 | 40,000 | 41,758 | (37,582) | 45,000 | 26,325,000 |
| Cincinnati | 452,000 | 5,000 | 3,100 | (2,790) | 5,000 | 2,925,000 |
| Cleveland | 751,000 | 12,500 | 13,423 | (12,081) | 14,000 | 8,190,000 |
| Columbus | 540,000 | 1,800 | 1,316 | (1,184) | 2,500 | 1,462,500 |
| Detroit | 1,511,000 | 25,000 | 17,251 | (15,526) | 25,000 | 14,625,000 |
| Indianapolis | 745,000 | 3,000 | 2,100 | (1,890) | 3,000 | 1,755,000 |
| Milwaukee | 717,000 | 3,379 | 3,713 | (3,342) | 3,713 | 2,172,105 |
| Minneapolis | 434,000 | 3,080 | 1,850 | (1,665) | 3,500 | 2,047,500 |
| St. Paul | 310,000 | 1,300 | 1,519 | (1,367) | 2,062 | 1,206,270 |
| Toledo | 384,000 | 1,400 | 985 | (887) | 1,400 | 819,000 |
| Region VI: | | | | | | |
| Dallas | 944,000 | 2,280 | 1,531 | (1,378) | 2,280 | 1,333,800 |
| El Paso | 322,000 | 4,672 | 1,336 | (1,202) | 4,672 | 2,733,120 |
| Fort Worth | 393,000 | 1,507 | 1,331 | (1,196) | 1,507 | 881,595 |
| Houston | 1,233,000 | 5,664 | 3,325 | (2,993) | 5,664 | 3,313,440 |
| New Orleans | 593,000 | 5,000 | 3,337 | (3,003) | 5,000 | 2,925,000 |
| Oklahoma City | 366,000 | 1,530 | 2,400 | (2,160) | 2,400 | 1,404,000 |
| San Antonio | 654,000 | 6,000 | 3,750 | (3,375) | 6,000 | 3,510,000 |
| Tulsa | 332,000 | 1,011 | 1,149 | (1,034) | 1,300 | 7,605,000 |
| Region VII: | | | | | | |
| Kansas City, Mo. | 507,000 | 4,000 | 3,588 | (3,232) | 4,000 | 2,340,000 |
| Omaha | 347,000 | 1,670 | 1,500 | (1,350) | 1,670 | 976,950 |
| St. Louis | 622,000 | 9,000 | 8,841 | (7,957) | 10,000 | 5,850,000 |
| Region VIII: Denver | 515,000 | 2,100 | 2,845 | (2,561) | 2,850 | 1,667,250 |
| Region IX: | | | | | | |
| Honolulu | 325,000 | 2,800 | 1,075 | (967) | 2,800 | 1,638,000 |
| Long Beach | 358,000 | 432 | 1,050 | (945) | 1,200 | 662,688 |
| Los Angeles | 2,813,000 | 27,491 | 8,484 | (7,636) | 27,491 | 15,181,629 |
| Oakland | 362,000 | 5,850 | 1,820 | (1,638) | 5,850 | 3,230,604 |
| Phoenix | 582,000 | 17,000 | 3,700 | (3,330) | 17,000 | 9,945,000 |
| San Diego | 697,000 | 5,500 | 3,321 | (2,989) | 5,500 | 3,037,320 |
| San Francisco | 716,000 | 8,000 | 5,569 | (5,012) | 8,000 | 4,417,920 |
| San Jose | 446,000 | 3,535 | 1,883 | (1,659) | 3,535 | 1,952,168 |
| Region X: | | | | | | |
| Portland | 382,000 | 5,000 | 2,400 | (2,160) | 5,000 | 2,925,000 |
| Seattle | 581,000 | 5,000 | 1,700 | (1,530) | 5,000 | 2,925,000 |
| **SAMPLING OF CITIES OTHER THAN 50 LARGEST** | | | | | | |
| Hartford, Conn | 158,017 | 3,000 | 2,254 | (2,029) | 3,000 | $1,755,000 |
| Providence, R.I | 179,213 | 1,250 | 1,200 | (1,080) | 1,440 | 842,400 |
| Albany, N.Y | 114,873 | 600 | 582 | (524) | 800 | 404,352 |
| New Bedford, Mass | 101,777 | 850 | 851 | (766) | 1,301 | 761,085 |
| Paterson, N.J | 144,824 | 1,500 | 1,112 | (1,001) | 1,500 | 887,500 |
| Syracuse, N.Y | 197,208 | 1,500 | 1,123 | (1,011) | 1,500 | 758,160 |
| Trenton, N.J | 104,638 | 1,000 | 709 | (638) | 2,150 | 1,257,775 |
| Yonkers, N.Y | 204,370 | 458 | 330 | (297) | 660 | 333,590 |
| Charleston, W. Va | 71,505 | 300 | 177 | (159) | 470 | 274,950 |
| Alexandria, Va | 110,938 | 400 | 169 | (152) | 400 | 234,000 |
| Charleston, S.C | 66,945 | 1,000 | 1,083 | (975) | 1,900 | 1,111,500 |
| Columbus, Ga | 154,168 | 2,000 | 1,507 | (1,356) | 2,000 | 1,170,000 |
| Montgomery, Ala | 133,386 | 570 | 566 | (509) | 600 | 351,000 |
| Ann Arbor, Mich | 99,797 | 250 | 580 | (522) | 600 | 351,000 |
| Dayton, Ohio | 243,601 | 2,500 | 1,820 | (1,630) | 4,000 | 2,340,000 |
| Duluth, Minn | 100,578 | 600 | 502 | (452) | 700 | 409,500 |
| Madison, Wis | 173,258 | 1,000 | 806 | (725) | 1,000 | 585,000 |
| Youngstown, Ohio | 139,788 | 2,500 | 2,253 | (2,028) | 2,500 | 1,462,500 |
| Baton Rouge, La | 165,963 | 250 | 1,255 | (1,130) | 1,880 | 1,099,800 |
| Corpus Christi, Tex | 204,525 | 1,500 | 1,304 | (1,174) | 1,600 | 936,000 |
| Springfield, Mo | 120,096 | 500 | 994 | (895) | 1,000 | 585,000 |
| Colorado Springs, Colo | 135,060 | 550 | 530 | (477) | 630 | 368,550 |
| Salt Lake City, Utah | 175,885 | 1,120 | 1,120 | (1,008) | 1,200 | 702,000 |
| Anaheim, Calif | 166,701 | 150 | 209 | (188) | 540 | 298,210 |
| Fresno, Calif | 165,972 | 2,500 | 2,175 | (1,958) | 3,638 | 2,009,049 |
| San Bernardino, Calif | 104,251 | 850 | 850 | (765) | 1,100 | 607,464 |
| Santa Ana, Calif | 156,601 | 2,800, | 594 | (535) | 2,800 | 1,546,272 |
| Stockton, Calif | 107,644 | 2,000 | 2,366 | (2,129) | 2,500 | 1,380,600 |
| Tucson, Ariz | 262,933 | 2,500 | 2,378 | (2,140) | 3,000 | 1,755,000 |
| 50 largest total | | 421,930 | 272,352 | (244,003) | 442,178 | 256,749,432 |
| Balance of cities | | 597,061 | 481,785 | (433,640) | 669,305 | 390,961,650 |
| Total | | 1,018,991 | 754,137 | (677,723) | 1,111,483 | 647,711,082 |

[1] All figures in the above chart represent 10-week slots except the 1st col. under 1973 actual which are 9-week slots.

[2] Dollar figures represent 10-week, 26 hours a slot at $2 an hour except where State law is higher.

SUMMER RECREATION SUPPORT PROGRAM (RSP)

| City | 1973 need | 1973 actual | 1974 need |
|---|---|---|---|
| Region I: | | | |
| Boston | $350,000 | $130,006 | $350,000 |
| Region II: | | | |
| Buffalo | 125,000 | 118,710 | 150,000 |
| Newark | 200,000 | 100,000 | 203,500 |
| New York | 2,934,000 | 2,362,000 | 2,934,000 |
| Rochester | 136,000 | 68,000 | 150,000 |
| Region III: | | | |
| Baltimore | 335,000 | 300,010 | 335,000 |
| Norfolk | 201,500 | 132,000 | 201,500 |
| Philadelphia | 100,000 | 532,000 | 532,000 |
| Pittsburgh | 200,000 | 158,520 | 200,000 |
| Washington, D.C | 364,000 | 245,000 | 364,000 |
| Region IV: | | | |
| Atlanta | 180,000 | 143,000 | 180,000 |
| Birmingham | 170,000 | 120,000 | 170,000 |
| Jacksonville | 250,000 | 150,000 | 250,000 |
| Louisville | 130,000 | 96,000 | 130,000 |
| Memphis | 305,000 | 264,000 | 305,000 |
| Miami | 192,000 | 149,931 | 192,000 |
| Nashville | 200,000 | 149,770 | 200,000 |
| Tampa | 175,000 | 100,069 | 175,000 |
| Region V: | | | |
| Chicago | 2,100,000 | 1,179,460 | 2,100,000 |
| Cincinnati | 175,000 | 135,000 | 175,000 |
| Cleveland | 380,000 | 230,000 | 670,490 |
| Columbus | 211,000 | 132,000 | 211,000 |
| Detroit | 897,000 | 399,000 | 897,000 |
| Indianapolis | 260,000 | 200,000 | 300,000 |
| Milwaukee | 160,000 | 144,000 | 200,000 |
| Minneapolis | 130,000 | 63,000 | 130,000 |
| St. Paul | 58,000 | 36,000 | 58,000 |
| Toledo | 120,000 | 84,000 | 120,000 |
| Region VI: | | | |
| Dallas | $285,000 | $228,000 | $300,000 |
| El Paso | 250,000 | 194,000 | 250,000 |
| Fort Worth | 175,000 | 108,000 | 175,000 |
| Houston | 440,000 | 350,000 | 440,000 |
| New Orleans | 500,000 | 288,000 | 500,000 |
| Oklahoma City | 500,000 | 106,800 | 500,000 |
| San Antonio | 200,000 | 324,000 | 500,000 |
| Tulsa | 170,000 | 92,000 | 174,395 |
| Region VII: | | | |
| Kansas City, Mo | 200,000 | 118,000 | 200,000 |
| Omaha | 96,000 | 61,000 | 96,000 |
| St. Louis | 405,000 | 254,000 | 408,000 |
| Region VIII: | | | |
| Denver | 170,000 | 126,400 | 170,000 |
| Region IX: | | | |
| Honolulu | 140,000 | 70,000 | 140,000 |
| Long Beach | 125,000 | 72,000 | 125,000 |
| Los Angeles | 650,000 | 602,000 | 1,000,000 |
| Oakland | 125,000 | 104,000 | 168,000 |
| Phoenix | 228,000 | 144,000 | 288,000 |
| San Diego | 825,000 | 164,000 | 825,000 |
| San Francisco | 250,000 | 180,000 | 250,000 |
| San Jose | 100,000 | 85,000 | 100,000 |
| Region X: | | | |
| Portland | 135,000 | 89,000 | 135,000 |
| Seattle | 129,000 | 89,000 | 129,000 |
| 50 largest total | 18,096,500 | 11,770,676 | 18,756,885 |
| Balance of cities | 6,850,080 | 3,229,324 | 7,528,197 |
| Total | 24,946,580 | 15,000,000 | 26,284,082 |

SUMMER YOUTH TRANSPORTATION PROGRAM (SYTP)

| City | 1973 need | 1973 actual | 1974 need |
|---|---|---|---|
| Region I: | | | |
| Boston | $20,000 | $10,700 | $30,000 |
| Region II: | | | |
| Buffalo | 13,000 | 7,500 | 15,000 |
| Newark | 69,300 | 23,437 | 69,300 |
| New York | 500,000 | 149,130 | 500,000 |
| Rochester | 15,000 | 7,500 | 15,000 |
| Region III: | | | |
| Baltimore | 35,000 | 21,100 | 35,000 |
| Norfolk | 25,600 | 7,500 | 25,600 |
| Philadelphia | 100,000 | 24,360 | 100,000 |
| Pittsburgh | 22,000 | 12,650 | 22,000 |
| Washington, D.C | 100,000 | 22,960 | 100,000 |
| Region IV: | | | |
| Atlanta | 30,000 | 12,080 | 30,000 |
| Birmingham | 24,000 | 13,790 | 24,000 |
| Jacksonville | 14,000 | 6,300 | 14,000 |
| Louisville | 12,500 | 7,500 | 12,500 |
| Memphis | 18,000 | 11,860 | 18,000 |
| Miami | 23,000 | 12,000 | 23,000 |
| Nashville | 12,000 | 7,000 | 12,000 |
| Tampa | 0 | 7,500 | 0 |
| Region V: | | | |
| Chicago | 70,000 | 42,240 | 80,000 |
| Cincinnati | 15,000 | 7,920 | 15,000 |
| Cleveland | 35,000 | 19,310 | 35,000 |
| Columbus | 17,000 | 8,640 | 17,000 |
| Detroit | 75,500 | 36,560 | 75,500 |
| Indianapolis | 15,000 | 8,480 | 25,000 |
| Milwaukee | 66,192 | 47,280 | 70,000 |
| Minneapolis | 75,000 | 12,380 | 75,000 |
| St. Paul | 12,500 | 7,500 | 12,500 |
| Toledo | 20,000 | 7,990 | 20,000 |
| Region VI: | | | |
| Dallas | $23,990 | $19,340 | $23,990 |
| El Paso | 77,800 | 38,900 | 77,800 |
| Fort Worth | 175,000 | 8,130 | 175,000 |
| Houston | 0 | 25,060 | 27,566 |
| New Orleans | 25,000 | 14,790 | 26,250 |
| Oklahoma City | 25,000 | 14,000 | 25,000 |
| San Antonio | 26,570 | 14,570 | 26,570 |
| Tulsa | 20,000 | 7,500 | 20,000 |
| Region VII: | | | |
| Kansas City, Mo | 50,000 | 13,970 | 50,000 |
| Omaha | 16,000 | 13,500 | 16,000 |
| St. Louis | 43,500 | 25,790 | 43,500 |
| Region VIII: | | | |
| Denver | 29,000 | 18,320 | 36,640 |
| Region IX: | | | |
| Honolulu | 15,000 | 7,500 | 15,000 |
| Long Beach | 16,000 | 7,500 | 16,000 |
| Los Angeles | 164,000 | 82,870 | 164,000 |
| Oakland | 28,000 | 15,000 | 28,000 |
| Phoenix | 25,000 | 11,740 | 25,000 |
| San Diego | 30,000 | 14,360 | 30,000 |
| San Francisco | 25,000 | 11,920 | 25,000 |
| San Jose | 9,000 | 7,500 | 9,000 |
| Region X: | | | |
| Portland | 25,000 | 8,580 | 25,000 |
| Seattle | 32,100 | 19,060 | 32,100 |
| 50 largest total | 2,155,552 | 963,067 | 2,342,816 |
| Balance of cities | 1,527,879 | 737,933 | 1,584,406 |
| Total | 3,683,431 | 1,700,000 | 3,927,222 |

U.S. SENATE,
*Washington, D.C., March 28, 1974.*

Hon. RICHARD M. NIXON,
*President,*
*White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: We are very pleased with the Administration's plans to provide the basic amount of $300 million for approximately 709,200 nine-week opportunities for this summer's youth job program basically at the levels provided last year under the Neighborhood Youth Corps summer job effort.

However, we believe that the unemployment situation among youth—with unemployment levels of 30 to 40 percent in some areas—further aggravated by the energy crisis, makes necessary increases above the amount requested for jobs, as well as the provision of basic amounts in related recreation and transportation activities.

Accordingly, we urge you to submit a new revised budgetary request for fiscal year 1974 for an aggregate of $550,385,526, or $250,385,526 above your present request, for the summer youth job program and related activities.

Our request consists of the following elements:

$520,174,222 for the summer youth job program conducted under sections 3(c) and 304 of the Comprehensive Employment and Training Act of 1973 to provide an aggregate of 1,111,483 ten-week opportunities for poor youth ages 14 to 21, each opportunity providing 26 hours of employment each week.

The Administration's revised budget request of $300 million consists of $208.6 million in new budget authority to be added to $91.4 million in carried over funds, as indicated, for an aggregate of $300 million, the levels maintained last year. In fact, a total of $319,000,000 was available last year, but delays in the commencement of the effort made it impossible to use effectively the additional $19,000,000.

$26,284,082 for recreational support under the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962, authorities which do not expire until June 30. In fiscal year 1973, $15,000,000 was made available. The Administration has not requested any funds for this purpose for this fiscal year.

$3,927,222 for transportation under the new Act, as also authorized under previous authorities. In fiscal year 1973, $1,700,000 was made available. The Administration has not requested any funds for this purpose for fiscal year 1974.

These requests are documented on a city-by-city basis—including the fifty largest cities and other areas—in the enclosed letter dated March 1, 1974, and attachments to Senator Javits from the National League of Cities-U.S. Conference of Mayors.

It should be noted that under the Administration's plans for this fiscal year, the States and cities will not have sufficient general resources for manpower training and public service employment, to which to look for satisfaction of these additional needs. The Ad-

ministration's revised budgetary request under the new Comprehensive Employment and Training Act of 1973 of $1.3 billion for training and work experience (exclusive of the $300.0 million planned for summer jobs) and the $250.0 million for public service employment would provide $800 million less than the $2.38 billion appropriated for those elements in fiscal year 1973 under the previous authorities.

Furthermore, the private sector will not be able to take up the slack. The National Alliance of Businessmen, which provided 253,000 opportunities last summer, has set a goal of only 200,000 for this summer, in appreciation of difficulties in placement which will arise from the energy crisis and the projected economic situation generally.

In fact, the Department of Labor estimates that the "target group" for the program for this summer will include 3.4 million poor youth—over four times the number covered under the Administration's request. Even our request, which is based on the number which the cities could "effectively use", would meet the needs of less than 1/3 of those who could benefit.

We consider a ten-week program, as originally designed, preferable to a nine-week program so that youth will have meaningful activities for the greater part of the summer months and will be able to increase their overall earnings, which they use to return to school, or to otherwise supplement the family income; the program was cut to nine-weeks in recent years, principally because of delays in funds actually becoming available, a prospect which can be avoided by early action this year.

Accordingly, in order to permit early and meaningful planning of an adequate program at the local level, we urge you to submit a new revised budgetary request responsive to the needs we have outlined and in time for consideration in connection with the Second Supplemental Appropriations bill, now before the Congress.

Very truly yours,

Jacob K. Javits, Alan Cranston, Hubert H. Humphrey, Philip A. Hart, Birch Bayh, Edward W. Brooke, Clifford P. Case, William D. Hathaway, Robert Taft, Jr.

John V. Tunney, George McGovern, Mike Gravel, Gaylord Nelson, Robert T. Stafford, Floyd K. Haskell, J. Glenn Beall, Jr., Quentin N. Burdick, Dick Clark, Edward M. Kennedy.

Walter F. Mondale, Abraham Ribicoff, James Abourezk, Edmund S. Muskie, Harrison A. Williams, Charles McC. Mathias, Jr., Frank E. Moss.

Mr. KENNEDY. Mr. President, I rise to express both support and concern for the conference agreement on the Second Supplemental Appropriations bill for fiscal year 1974.

While I support the measure, I have mixed feelings about the actions taken by the conference in several areas.

First, I am pleased that some $620,000 in additional public service employment funds are included in the bill. However, I want to add that the Senate had approved a total of $825,000 for this purpose. I had introduced an amendment with numerous cosponsors increasing the Senate nationwide public service employment program to the level appropriated 2 years, the equivalent of a $1.25 billion a year level.

I believe that with the continuing level of high unemployment and the predictions of even higher levels in the months ahead justifies a substantial increase over the administration $250 million request. I am pleased that the conference has maintained the additional $250 million for use under section 5 and has accepted an increase to $370 million for public service jobs under title II of CETA. I am hopeful that in the fiscal year 1975 appropriations measure, additional funds can be added to the nationwide program.

Despite the President's endless optimistic predictions of economic prosperity around the corner, his own economic advisers are stating bluntly that unemployment is expected to rise even above its current 5 percent mark.

I believe that public service employment at least at the $1.25 billion level is necessary immediately with increases beyond that if unemployment rises at all.

It makes no sense to try to shut off inflation by forcing more men and women out of work. Any measures that are taken to halt inflation which cause unemployment should be cushioned by public service employment.

Second, with regard to the Older Workers Community Service Employment program, title IX of the Older Americans Comprehensive Services of 1973, I want to commend the conference for the strong language endorsing the continuation of the national contracts as the primary sponsors for these programs. This language is specific and it is combined with a direction to the Department of Labor to obligate immediately the $10 million appropriated earlier in the year. This is a direct declaration to the Secretary that his proposal to fold this program into the prime sponsorship network of the Comprehensive Employment and Training Act of 1973 is not acceptable.

However, the conference rejected the entire $10 million of additional appropriations which the Senate had included. I had testified in favor of both the additional $10 million and the directive language. I believe at a time when the older workers are feeling a disproportionate share of the pressure not only of inflation but of unemployment as well, the extra $10 million could have been effectively used.

I am hopeful that the Appropriations Committee will examine the matter with far greater receptivity during the regular fiscal year 1975 appropriations process.

Third, I would express my belief that the $8 million approved for additional bilingual education support under title VII is a valuable additional benefit to meet the needs of the limited English-speaking, but the $20 million approved by the Senate was thoroughly justified and, I believe, vitally needed. I hope again that additional funds will be strongly considered by the committee in the 1975 appropriations measures.

Finally, I believe that the compromise level of funding for the summer youth employment programs, while below the $381 million level approved by the Senate which I supported, will mean nearly 50 percent more jobs than originally proposed by the House in its consideration of this program. I believe that this program can be expanded even further in the coming fiscal year appropriations action.

In all of these areas, I believe that the conference action, while a major step forward over the administration requests, represents less than ideal levels of fundings for programs which have great merit. I am hopeful that additional resources will be made available for all of them in the coming year.

DISSENTING VIEWS ON THE SECOND SUPPLEMENTAL APPROPRIATIONS CONFERENCE COMMITTEE REPORT

Mr. SCHWEIKER. Mr. President, I would like to explain my disagreement regarding the conference committee's rejection of the Export-Import Bank limitation adopted by the Senate.

This provision would have required the Eximbank to obey existing law as construed by the Comptroller General, by submitting to Congress a Presidential national interest determination for every Communist country transaction. I accept the necessity for compromise in conference. But I reject the notion that the conference committee can properly license the Export-Import Bank to operate contrary to existing law, against the will of the Senate, by dropping an amendment requiring compliance, without adequate comment or explanation. This is no routine conference action; by rejecting the Senate provision of the Export-Import Bank, the Appropriations Conference Committee has ignored a basic statutory requirement in the Export-Import Bank Act of 1945.

I originally introduced this amendment in the Senate, because I believed Congress had a duty to support the ruling of the Comptroller General and existing law. I believed Congress had a duty to refute the executive branch viewpoint, expressed by the Attorney General, that congressional inaction can reverse the meaning of clear statutory language and legitimize a Government agency acting contrary to law. And I believed the Congress had a duty to the American people, to make it clear that the U.S. Government will not subsidize Siberian energy exploration against our national interest.

I still believe Congress has these duties, and I believe the conference committee action is in complete disregard of these duties. I believe this conference committee action could clear the way for a Russian energy deal, and I wish to go on record as remaining adamantly opposed to such a deal.

For these reasons, I respectfully disassociate myself with the action of the conference committee regarding the Export-Import Bank.

Mr. McCLELLAN. Mr. President, I move that the conference report be agreed to.

The motion was agreed to.

Mr. McCLELLAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives with reference to certain amendments which are in disagreement.

The PRESIDING OFFICER laid before the Senate the following message from the House:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum stricken and the matter inserted by said amendment, insert: and to implement the provisions of section 5 of Public Law 93-251, $23,661,000

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 15 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert: $95,000,000

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 18 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert: $107,700,000

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 19 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert: $11,400,000

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert: $82,400,000

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 29 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

DISASTER RELIEF

For an additional amount to carry out the functions of the Department of Housing and Urban Development under the Disaster Relief Act of 1970 Public Law 91-606, as amended, and Reorganization Plan No. 1 of 1973), authorizing assistance to States and local governments in major disasters, $32,600,000, to remain available until expended: *Provided,* That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

OFFICE OF EDUCATION

INDIAN EDUCATION

Notwithstanding any regulation of the Office of Education, Department of Health, Education, and Welfare, amounts for part A appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1974, shall remain available for allocation as provided by law to local educational agencies in Alaska in response to applications received on or before May 30, 1974.

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 48 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for "Elementary and secondary education", $20,000,000, of which $8,000,000 shall be for grants pursuant to Title VII of the Elementary and Secondary Education Act to remain available until December 31, 1974, and $12,000,000 shall be for carrying out section 222(a)(2) of the Economic Opportunity Act of 1964.

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 49 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

HIGHER EDUCATION

For carrying out section 705(a)(2)(c) of the Higher Education Act without regard to other provisions of said Act, $250,000, to remain available through June 30, 1975.

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 60 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: $1,000,000

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

OFFICE OF ECONOMIC OPPORTUNITY

ECONOMIC OPPORTUNITY PROGRAM

For an additional amount for "Economic Opportunity Program", $12,500,000 for the Emergency Food and Medical Services program as authorized by section 222(a)(5) of the Economic Opportunity Act of 1964.

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 87 to the aforesaid bill, and concur therein within an amendment as follows:

In lieu of the sum proposed by said amendment, insert: $1,200,000

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 163 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

TITLE III

FISCAL YEAR 1973 RETROACTIVE PAY COSTS

SEC. 301. For costs arising from the fiscal year 1973 pay increases granted by or pursuant to the Federal Pay Comparability Act of 1970 and the Act of December 16, 1967 (81 Stat. 649), for any branch of the Federal Government or the municipal government of the District of Columbia, to be available immediately, such amounts as may be necessary, to be determined as hereinafter provided in this title, but no appropriation, fund, limitation, or authorization may be increased pursuant to the provisions of this title in an amount in excess of the cost to such appropriation, fund, limitation, or authorization related to increased compensation pursuant to such statutes.

SEC. 302. Whenever any officer referred to in section 303 of this title shall determine that he has exhausted the possibilities of meeting the cost of pay increases, first, through the use of the unobligated balances of the fiscal year 1973 appropriations, funds, limitations, or authorizations properly chargeable with the costs in fiscal year 1973, which are hereby restored and made available for this purpose, and, secondly, through the use of the corresponding appropriations, funds, limitations, or authorizations for the fiscal year 1974, he shall certify the additional amount required to meet such costs for each appropriation, fund, limitations, or authorization under his administrative control, and with respect to retired pay he shall certify the additional amount required for the fiscal year 1974 costs resulting from such pay increases in fiscal year 1973, and the amounts so certified shall be added to the pertinent appropriation, fund, limitation, or authorization for the fiscal year 1975: *Provided,* That any certification made under the authority of this section by an officer in or under the executive branch of the Federal Government shall be valid only when approved by the Director of the Office of Management and Budget.

SEC. 303. For the purposes of the certifications authorized by section 302 of this title, the following officers shall be deemed to have administrative control of appropriations, funds, limitations, or authorizations available within their respective organization units—

(a) The legislative branch:

The Clerk of the House;

The Secretary of the Senate;

The Librarian of Congress;

The Architect of the Capitol;

The Public Printer;

The Comptroller General of the United States;

The Chief Judge of the United States Tax Court;

The chairman of any commission in or under the legislative branch.

(b) For the Judiciary:

The Administrative Officer of the United States Courts;

The Marshal of the Supreme Court.

(c) For the executive branch:

The head of each department, agency, or corporation in or under the executive branch.

(d) For the municipal government of the District of Columbia:

The Commissioner of the District of Columbia.

SEC. 304. Obligations or expenditures incurred for pay increases and related costs pursuant to this title, shall not be regarded or reported as violations of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665.)

SEC. 305. (a) Amounts made available by this title shall be derived from the same source as the appropriation, fund, limitation, or authorization to which such amounts are added.

(b) Appropriations made pursuant to this title shall be recorded on the books of the Government as of June 30, 1974: Provided, That no appropriation made by this title shall be warranted after August 15, 1974.

(c) A complete report of the appropriations made by or pursuant to this title shall be made not later than September 15, 1974, by the officers described in section 303 to the Director of the Office of Management and Budget, who shall compile and transmit to the Congress a consolidated report not later than October 15, 1974.

SEC. 306. With respect to the application of Executive Order Numbered 11691 of December 15, 1972, as amended by Executive Order Numbered 11777 of April 12, 1974, relating to the change from January 1, 1973, to October 1, 1972, as the effective date for certain adjustments of rates of pay of certain statutory pay systems, the Clerk of the House of Representatives, in the administration of and in accordance with section 5 of the Federal Pay Comparability Act of 1970 (84 Stat. 1952-53; Public Law 91-656), with respect to each employee or former employee who was on the employment rolls of the House for any period occurring on or after October 1, 1972, and ending at the close of December 31, 1972, whose pay was disbursed in such period by the Clerk of the House, may make adjustments in the rate of pay of such employee or former employee for such period who was then on the employment rolls of the House, if, in the determination of the Clerk, the pay fixing authority governing the adjustment of pay under such Executive Order Numbered 11691, as if effect on January 1, 1973, has changed.

*Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 169 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 405. None of the funds herein appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

SEC. 406. Appropriations and authority provided in this Act shall be available from June 1, 1974, and all obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

Mr. McCLELLAN. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 3, 15, 18, 19, 20, 29, 33, 48, 49, 60, 69, 87, 163, and 169.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask to be recognized outside the morning hour order, under the usual procedure, and I ask unanimous consent that the Senate go into executive session to consider nominations on the Calendar beginning with Calendar No. 154.

There being no objection, the Senate proceeded to consider executive business.

## DEPARTMENT OF DEFENSE

The PRESIDING OFFICER. The clerk will state the first nomination.

The second assistant legislative clerk read the nomination of Gen. George S. Brown, U.S. Air Force, to be Chairman of the Joint Chiefs of Staff.

The PRESIDING OFFICER. Without objection, the nomination will be considered and confirmed.

## U.S. AIR FORCE

The second assistant legislative clerk read the nomination of Gen. David C. Jones, U.S. Air Force, to be Chief of Staff, U.S. Air Force.

The PRESIDING OFFICER. Without objection, the nomination will be considered and confirmed.

## DEPARTMENT OF THE TREASURY

The second assistant legislative clerk proceeded to read sundry nominations in the Department of the Treasury.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Is the name of Mr. Middendorf to be Secretary of the Navy on the list?

Mr. MANSFIELD. It is on the list, but there is a "hold' on it.

Mr. GOLDWATER. I wonder if we could dissolve that "hold." The Navy has been without a leader for a considerable period of time.

Mr. MANSFIELD. May I say to the distinguished Senator from Arizona that the Senator from Montana is not the Senator who put a "hold' on it. Another Senator has; I do not know who it is, but it is a courtesy we accord to any Senator for a reasonable time.

Mr. GOLDWATER. I appreciate that. Would it be possible for me to learn the name—not publicly—but learn the name?

Mr. MANSFIELD. I do not know. I would have to say, publicly and privately. But if I find out I will contact the Senator from Arizona.

Mr. HUGH SCOTT. Mr. President, if the Senator would yield, I believe that, without breaking any confidence, I may have inadvertently obtained information as to who the Senator is. I am going to suggest to the distinguished Senator from Arizona that he at least talk to this Senator, because I believe the Senator simply wants to be heard on the matter first, and I hope we can expedite it.

I agree with the Senator from Arizona that the Navy is without anyone at the helm, and it is important that we move as soon as we can.

## U.S. TARIFF COMMISSION

The assistant legislative clerk proceeded to read the nomination of Catherine May Bedell, of Washington, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1980.

The PRESIDING OFFICER. Without objection, the nomination is considered and agreed to.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The assistant legislative clerk proceeded to read the nomination of Terrell H. Bell, of Utah, to be Commissioner of Education.

The PRESIDING OFFICER. Without objection the nomination is considered and agreed to.

## THE FEDERAL COUNCIL ON THE AGING

The assistant legislative clerk proceeded to read sundry nominations on the Federal Council on the Aging.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and agreed to en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nominations.

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

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of the legislative business.

## TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask that there be a period for the transaction of routine morning business, with a time limitation of not to exceed 3 minutes therein.

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

## COMMENCEMENT ADDRESS OF SENATOR MANSFIELD AT MONTANA COLLEGE OF MINERAL SCIENCE AND TECHNOLOGY: A GREAT SCHOOL

Mr. MANSFIELD. Mr. President, on Sunday last, the distinguished Republican leader had the privilege and the opportunity to give the commencement address at Randolph Macon College, a school which he attended as an undergraduate and from which he graduated before going on to the University of Virginia and other schools.

Coincidentally, on that same day, I had the opportunity and the privilege to give the commencement address at Montana College of Mineral Science and Technology in Butte, Mont., a school which I attended and for which I have a great affection, because it gave me a start in life, which all people need at certain times.

It was a day of memories; it was a day of sadness, and a day of joy, a day of remembrance and even, perhaps, a day of forgetting.

The Montana College of Mineral Science and Technology which, until 1965, was known as the Montana School of Mines, is one of the six institutions comprising the Montana university system.

It was founded, legislation was passed, in 1893, 5 years after Montana became a State. The actual construction of the first building was begun in 1896, and the college opened its doors on September 11, 1900, and graduated its first class in June 1903.

The State bureau of mines and geology, was added to the college as a research department in 1919.

In the past decade, the college has expanded its traditional offerings in various phases of mineral engineering to include degree programs in environmental engineering, mathematics, chemistry, history, and English.

Since its founding, the Montana School of Mines, now known as the Montana College of Mineral Science and Technology, has had a worldwide reputation for the excellence of its curriculum, especially in the fields of mining, metallurgy, mineralogy, geology, petroleum engineering, and the like.

It has expanded from a school of about 130 students, when I attended it, to around 800 today. It is the best mining school in the world, without exception. It has a reputation which can only be compared with that of Frieberg in Germany, and that was prior to the Second World War.

Its graduates are in demand, and they cover the Nation and the world. Its students come from all over the globe.

It is an especially outstanding institu-

tion, in my opinion, and has meant much to the Butte-Anaconda, western Montana area, and has meant a great deal to the State and the Nation.

I wish it well. I hope it continues to grow and expand.

I want to emphasize that basically it is a mining school, and I hope that its emphasis will remain in that particular area.

Mr. President, I ask unanimous consent that the program for that day and the commencement address which I made be incorporated in the RECORD.

There being no objection, the program and the commencement address were ordered to be printed in the RECORD, as follows:

SEVENTY-FOURTH COMMENCEMENT—MONTANA COLLEGE OF MINERAL SCIENCE AND TECHNOLOGY, BUTTE, MONT.

(Fox Theatre, June 2, 1974, 3:30 p.m.)

PROGRAM OF COMMENCEMENT EXERCISES

Processional—Montana Tech String Ensemble, Rick Hartwig, Director.

(The audience is requested to stand for the Processional and remain standing through the Invocation and the playing of the national anthem.)

Invocation—Reverend Edward W. Newman, Immaculate Conception Church.

"Star Spangled Banner"—String Ensemble.

Introduction of Guests—President Fred W. DeMoney.

"Commentary: 1974"—Senator Michael J. Mansfield.

Conferring of Degrees—President Fred W. DeMoney.

Conferring of Degree of Doctor of Letters, Honoris Causa, on Walter Todd Scott, Professor Emeritus—Presentation of Professor Scott by Dean Kenneth McLeod.

Conferring of Degree of Doctor of Engineering, Honoris Causa, on Senator Michael J. Mansfield—Presentation of Senator Mansfield by Vice-President Donald McGlashen.

Presentation of Honor Award for High Scholarship—President Fred W. DeMoney.

Benediction—Reverend Oliver L. Jones, Gold Hill Lutheran Church.

(The audience is requested to remain standing for the Recessional)

Recessional—String Ensemble.

A reception for the graduates, their parents, and their friends will be held in the Student Union building following the Commencement Exercises.

CANDIDATES FOR DEGREES

*Degrees in course*

Associate of Arts

James Coryel Axelson, Butte, Montana.
Maskin Milovan Bigovich, Butte, Montana.
Michael David Boston, Butte, Montana.
Nicholette Ellyn Breyer, Butte, Montana.
John Robert Burke, Butte, Montana.
Rose Mary Carollo, Butte, Montana.
Richard Douglas Daniels, Butte, Montana.
Jumana A. ElSharif, Lebanon.
Colleen Marie Fischer, Butte, Montana.
Barbara Joann Hayes, Butte, Montana.
Thomas Kenneth Hohn, Townsend, Montana.
Carol Anne Miller, Butte, Montana.
Otis Nelson Mohn, Whitesburg, Kentucky.
Charles Henry O'Donnell, Anaconda, Montana.
Billie Jean Peterson, Gregson, Montana.
Dale David Rawlings, Butte, Montana.
Sheila Kay Rivers, Anaconda, Montana.
Karen Anne Seymour, Ramsay, Montana.
Joseph Frederick Sommers, Anaconda, Montana.
Robert James Turk, Butte, Montana.
Joseph Frederick Sommers, Anaconda,

Associate of Science

Kimberly Adele Bawden, Butte, Montana.
Kathleen Ann Dillon, Butte, Montana.
Abdul Fattah A. ElSharif, Lebanon.
Shirlee L. Kaighn, Butte, Montana.
Keith B. Jensen, Wolf Point, Montana.
Stanley W. D. Lawrence, Missoula, Montana.
Julie Bossard LeFever, Butte, Montana.
Colleen Marie McGee, Butte, Montana.
Rebecca Jane McGee, Butte, Montana.
Cindy Lou Osmanson, Butte, Montana.
Linda Marie Storm, Butte, Montana.
Reginald Lee Thereault, Butte, Montana.
James Richard Vennes, Malta, Montana.
John Larry Vuicich, Anaconda, Montana.

Associate of Science/Engineering

Andrew Morgan Chadwick, Lewistown, Montana.
Loren, George Hoekema, Laurel, Montana.
James Lawrence Nelson, Drummond, Montana.
Brian Charles Sayre, Great Falls, Montana.
Robert Joseph Smollack, Anaconda, Montana.
Momo J. Vezele, Fisebu, Liberia.

Bachelor of Science in Chemistry

Rhonda Elaine Farrow Jacobson (with high honor), Butte, Montana.

Bachelor of Science in Engineering Science

Robert Dean Bentley, Butte, Montana.
Joel Bruce Knutson, Butte, Montana.
Larry Alvin Olson, Butte, Montana.
Donald James Shea, Butte, Montana.
James Bennett Smitham, Jr., Butte, Montana.
Robert Joseph Smollack, Anaconda, Montana.

Bachelor of Arts in English

John R. Beatty, Anaconda, Montana.
Rose Mary Carollo (with high honor), Butte, Montana.
Sylvia Frances Carollo, Butte, Montana.
Charlene A. Davis (with high honor), Butte, Montana.
Clara Parko Haft (with high honor), Butte, Montana.
Lillian Elizabeth McCauley (with high honor), Butte, Montana.
Grace M. Orgain (with honor), Butte, Montana.
Phyllis Adell Stout (with high honor), Butte, Montana.
William John Suydam, Butte, Montana.

Bachelor of Science in Environmental Engineering

Mark Alan Bossard, Anaconda, Montana.
Phillip Maurice DeDycker, Butte, Montana.
Harry Nick Obstar, Great Falls, Montana.
Darrell Robert Scharf (with high honor), Butte, Montana.
Ray Wallace Springer, Sunburst, Montana.

Bachelor of Science in Geological Engineering

Thomas Allen Behling (with honor), Darby, Montana.
Steve John Czehura, Butte, Montana.
Melvin LeRoy Granberg, Butte, Montana.
Wendell Eyre Johnson, Anaconda, Montana.
Brian Joseph Lunty, Edmonton, Alta., Canada.
Robert John Pederson, Billings, Montana.

Bachelor of Science in Geophysical Engineering

John Byron Aultmann, Jr. (with high honor), Butte, Montana.
Carole Cecelia Collier Speake (with honor), Butte, Montana.
Richard Conrad West (with high honor), Charlotte, North Carolina.

Bachelor of Arts in History

Elissa Kay Clark, Butte, Montana.
John Patrick Foley, Butte, Montana.
Keith B. Jensen, Wolf Point, Montana.
Stanley George Mayra (with honor), Butte, Montana.
Charles Wayne McDaniel, Butte, Montana.
Wayne Michael O'Brien, Butte, Montana.
James Robert Person, South Gate, California.
Agnes Mary Seymour (with high honor) Butte, Montana.
Doreen B. Williams, Walkerville, Montana.

Bachelor of Science in Mathematics

Glenn Dale Laitinen, Butte, Montana.
Bruce Carlyle Rowe, Butte, Montana.
Wendy Lee Swanson (with high honor), Butte, Montana.
John Larry Vuicich (with honor), Anaconda, Montana.
Thomas J. Walsh, Butte, Montana.

Bachelor of Science in Metallurgical Engineering

Joseph Frederick Sommers, Anaconda, Montana.
Mehrdad Nonahal Tehrani, Tehran, Iran.

Bachelor of Science in Mineral Dressing Engineering

Steven Wallis Banning, Butte, Montana.
Kurt Alan Forgaard (with high honor), Salmo, B.C., Canada.
Jon Nicholas Hoyrup, Dillon, Montana.
Donald Edward McCarthy, Butte, Montana.
Robert Dale Osmanson, Butte, Montana.
Joseph Frederick Sommers, Anaconda, Montana.

Bachelor of Science in Mining Engineering

Thomas Allen Behling (with honor), Darby, Montana.
William Robert Hansen, Glasgow, Montana.
Dean J. Honey, Butte, Montana.
John Edward Howard, Philipsburg, Montana.
Curtis Allan Johnson, Glendive, Montana.
Scott William Lorber (with honor), Butte, Montana.
Donald Ernest Moe, Missoula, Montana.
Charles Justice Speake, Jr., Victor, Montana.
Jerry Lee Stacey, Butte, Montana.

Bachelor of Science in Petroleum Engineering

Gary Ernest Aho (with honor), Butte, Montana.
Kenneth Bernard Allen, Cochrane, Alta., Canada.
W. Joris Brinkerhoff, Denver, Colorado.
Roy L. Brown, Billings, Montana.
Lawrence Edward Brumit, III, Butte, Montana.
Albert John Ciallella, Anaconda, Montana.
Ali T. Dabbagh, Mecca, Saudi Arabia.
Stephen Alfred Davies, Butte, Montana.
Thomas Kenneth Hohn, Townsend, Montana.
David John Loran, Butte, Montana.
Craig Nicholas Madeen (with high honor), Butte, Montana.
David Margolin, Browne Station, New Jersey.
Otis Nelson Mohn, Whitesburg, Kentucky.
Eric Howard Olsen, Butte, Montana.
Richard Lee Paynter, Butte, Montana.
Ralph Dale Tronstad (with high honor), Fort Shaw, Montana.

Master of Science in Engineering Science

Gary Wayne Mannix, Butte, Montana.

Master of Science in Geophysical Engineering

Ming-Ju Jan, Taiwan, Republic of China

Master of Science in Metallurgical Engineering

John Robert Knoepke, Butte, Montana.

Master of Science in Mineral Dressing Engineering

Kent, Joseph McGrew, Sacramento, California.
Reginald Ohab, Guyana, South America.
David Harry Rust, Whitehall, Montana.

*Professional degrees*

Engineering Science Engineer (honoris causa)

Terrence Kirkland, Alexandria, Virginia.

Geological Engineer (honoris causa)

Andrew Corry, Alexandria, Virginia.

Mineral Dressing Engineer (honoris causa)

Frank Antonioli, Butte, Montana.
Truxton Fisher, Butte, Montana.

Mining Engineer (honoris causa)

Petrus J. Du Toit, Tucson, Arizona.
Rayworth F. Howe, Butte, Montana.

*Honorary degrees*

Doctor of Engineering (honoris causa)

Michael Joseph Mansfield, Washington, D.C.

Doctor of Letters (honoris causa)

Walter Todd Scott, Butte, Montana.

The Montana College of Mineral Science and Technology (until 1965 the Montana School of Mines) is one of six institutions comprising the Montana University System.

Although the necessary legislation was passed in 1893, the actual construction of the first building was not begun until 1896. The college opened its doors on September 11, 1900, and graduated its first class in June 1903.

The Bureau of Mines and Geology was added to the college as a research department in 1919.

In the past decade, the college has expanded its traditional offerings in various phases of mineral engineering to include degree programs in environmental engineering, mathematics, chemistry, English, and history.

Since its founding, the college has gained a world-wide reputation for its excellent graduates, who have contributed significantly to the mineral industries. Moreover, the college has offered broad educational opportunities to the people of Butte and surrounding areas.

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COMMENTARY—1974

(Remarks of Senator MIKE MANSFIELD (D., Montana))

Commencement, in medieval times, meant a beginning. Today is a day of joy and relief to this class, sadness to your parents, and, to some of us, remembrances. To be with you, today, brings a flood of memories. My life and work have been closely aligned with this Institution and this part of the State. The Butte-Anaconda region has given me enormous support and encouragement over the years. I can never repay the people of this area nor the people of Montana for their trust and faith down through the decades.

Butte is the place where I worked in the mines for nine years as a mucker, a miner and an assistant mining engineer. Butte is the place where I met the girl, a teacher at Butte High School, who became my wife, my sustenance and my support down through the years. Without her and this institution I would not be standing before you today; without her and this institution I would not be what I am today. You can understand, I'm sure, why my first two loves were my wife and this school.

Butte is the place of the old School of Mines, where at the insistence of my wife-to-be, I applied for admission. At that point, I was already approaching twenty-five and I had not gone to high school. In fact, I had not even completed eight grades. The then President of the School of Mines, Dr. George Craven, was understanding but dubious. He told me that the only way I could be admitted was as a special student. To become a regular student, he said, I would have to make up my high school entrance credits. I completed the school year, 1927–28, while working in the mines at night. At the end of that year, I had passed the required subjects, most of them just barely. The teachers were generous and took a personal interest in what to them must have been something of an educational oddity. With me, they had to conduct, not a "Head start," but a kind of "Late start" program.

Among the professors who taught me, guided me, and counseled me, was a man from Harvard by the name of Walter T. Scott, Professor of English. I cannot begin to express how honored I am to be on the same platform with Professor Scott.

He meant much to me as a student and friend as he has meant much to this school through the years. He has done a great deal for education in this State and community and he is receiving, today, the kind of recognition he richly deserves and which is long overdue.

Also, on the platform today, is another long-time friend from Butte, a man with whom I served on the faculty as the University of Montana, Ambassador Andrew Corry, who is also being honored by his old school.

I am also honored by being on the platform with Terrence Kirkland, who is receiving the Professional Degree of Engineering Science Engineer, Frank Antonioli and Truxton Fisher, who are receving the Professional Degree of Mineral Dressing Engineer, and Petrus J. Du Toit and Rayworth F. Howe (posthumously), who are receiving the Professional Degree of Mining Engineer.

When I enrolled in Montana Tech, the entire student body was only about 130. In the same year, girls were admitted for the first time. The girls in that first class numbered somewhere between twenty-five and thirty. They came almost entirely from Butte High School, Girls Central and Anaconda High and were looked upon as either a distraction or an inspiration. In either case, this school, along with the State, was in the vanguard in according full legal recognition to women as equal persons.

In the 1920's and 30's, the Departments of Mining, Metallurgy, Mineralogy, Petroleum Engineering and Geology were the basic components in which degrees were awarded at the School of Mines. It was considered the outstanding educational center of its kind in the world. Only Freiburg, in Germany, was considered comparable. Today, Montana Tech continues to enjoy that reputation and it is eminently deserved. The standards have been maintained even as the scope of the educational program here has been extended to take in a Liberal Arts calendar. A studies program in Liberal Arts and other changes have had the effect of increasing the size of the student body many times over. So far as I can see, however, there has not been any diluting of the quality of the educational experience. On the contrary, it has been enriched greatly since the days when I was a student. May I suggest to the Regents on this platform that they keep this in mind as the school goes on to greater heights.

I would anticipate an even larger enrollment and a greater scope of intellectual pursuits at Montana Tech in the years ahead. That can be all to the good I would only hope that in the process of growing this school will never lose what to me, as a somewhat bewildered and uncertain student, meant so much at an earlier time. That was the sense of personal concern which was communicated by the members of the faculty and administration. You mattered to them and they mattered to you.

I would hope, too, that this school will keep, as it has always had, a unique core of excellence associated with the mineral sciences because Montana is deeply involved in that aspect of the nation's well being. Montanans have exploited hard rock minerals and others have come here to exploit them throughout the history of the State. I choose the word "exploit" advisedly. The history of mining in this State is not one of unalloyed contribution to the welfare of the people of Montana. Its advantages have been interlaced with a great deal of human misery and suffering, callousness and corruption.

It is important to remember that, it seems to me, especially at this time when there is underway a dramatic shift of national attention to the vast deposits of low sulfur coal in the Great Plains. Many people would like us to believe that this close-to-the-surface coal is the easy answer to the nation's energy problems. I do not go along with glib thinking of that kind. There are questions—many questions—to be asked and answered. Who, for example, profits by the exploitation of that coal? Do the people of this State gain if an energy shortage is exchanged for a shortage of clean air and clean water? In the long run, do the people of the nation gain thereby? Yet, that may be in store unless we move cautiously in exploiting these coal reserves.

Eastern Montana with its vast plains, rolling hills, and badlands, has a tradition of agriculture and livestock production. People who live there are wary of the massive disruption which is associated with crash surface mining. They have valid reason to be concerned and I share their concern. As yet, there is insufficient indication that the huge coal companies and out-of-state utilities have any deep interest in confronting the problems that their presence creates for local areas.

To be sure, there are gains to be derived from the exploitation of the coal reserves. The income and public revenues associated with mineral developments of great magnitude are very tempting. So, too, are the high prices offered for leases.

But, the other concerns I have noted are not to be ignored. They are of great significance to the people of the State and, in particular, to the generation of young people represented in this graduating class and those who will come after them.

Living Americans do not hold the land, the rivers, the sky, the air and the hills of Montana as an absolute right. The nation's natural treasures are ours to use, not to abuse. They are a trust to be maintained for future generations. In the assertion of our own rights, we cannot ignore the rights of those who will come after us.

So, insofar as I am concerned, the question of coal-stripping will be approached carefully—very carefully—and cautiously—very cautiously. In concert with the other members of the Montana Congressional delegation, it is my intention to use every avenue of the Federal government which is open to us to see that such is the case.

The development of the coal resources does not have to be ruled out if it can be done safely. In this connection, Montana Tech and other units of the Montana University System can be especially useful. They can devise, continuously, new and better ways in which coal can be extracted and utilized effectively without devastating the land and polluting the waterways. That is the only way these resources can be developed if they are to benefit Montana and the nation not only today but in all the days of the future. There is no need, in my judgment, to turn the State into a scarred and twisted wasteland in a frantic search for cheap fuel for the nation. Nor will it be.

The oil crisis last winter which precipitated this search was a kind of handwriting on the wall. Repeated and well-founded scientific and other expert warnings of an impending shortage were ignored for many years. Oil yields declined at home even as the nation became more and more dependent on petroleum. Alternatives were ignored. Research was neglected. Wasteful consumption continued. Then came the Arab boycott.

The great metropolitan areas of the nation were thrown into near panic when the king pin of the nation's economic and social structure was jarred. Almost overnight the Federal government went from do little to do everything. In a sudden determination to assure self-sufficiency, a massive financial and technical assault was launched in the field of energy. Dozens of agencies and offices plunged into the search. No matter that the problem was a long time in brewing and

would be a long time in passing. No matter that crash Federal programs in other moments of crises have invariably proved wasteful and often misdirected. The only answer of which we were capable at that point was to pull out all the stops. It was not a very reasoned approach but it was about the only way, as a government, we were able to react at all.

That is why, it seems to me, it is high time to look beyond the immediate question of energy. We need to consider closely the way in which our entire national economic life has come to be organized and the role which government plays therein. We need to think deeply about the economic structure of the nation not just as it is today but as it is likely to be five or ten years hence.

Not only in energy but in many other facets of our economy there have also occurred haphazard and wasteful usages, unwise development and random and uncoordinated government intervention. That there is a sudden fixation of federal attention on oil, natural gas, and other fuels is understandable. But what about nickel, tin, iron, copper and bauxite? Where will we get the supplies of these and other essential resources in the years ahead? What about food? Indeed, what of the exhaustibility of clean air and pure water?

Four years ago, the Interior Department said we depended preponderantly on foreign countries to supply us with thirteen basic minerals. Today, there are at least forty minerals on the same list. They include, bauxite-aluminum, tin, lead, nickel and chromium. What happens if the countries from which we get those basic minerals should decide to cut us off? I think we can withstand a cartel such as the one which recently threatened to raise the export price of bananas from Central America—but what of other commodities? We have already seen, for example, how foreign sources can affect our economy deeply by withholding petroleum in which we ourselves have great resources. What of basic commodities in which we have little or none?

What, for example, of bauxite? Over 80 percent of the bauxite used in the production of aluminum is imported. Aluminum pervades our society. Gas-saving engines are built from it. The building trades are voracious consumers. Food packaging is dependent on it. A myriad of other industries are affected by its availability. With time, perhaps, we could step-up domestic bauxite production in the form of aluminum clays to be found in Georgia, Idaho and Montana. But aluminum refining requires massive amounts of electricity, and we already have a shortage of power.

Chromium is another essential element which goes into a great many products. We are 100 percent dependent on imports of chromium even though we have low grade chrome in the Absarokees in southern Montana. Most of the imports presently come from the Soviet Union. Yet, there are still delays in putting trade with that nation, as well as with the Peoples Republic of China, on an equal footing with other nations. The administration has requested legislation to that end and I am frank to acknowledge that it is in the Congress where the question has become snarled in extraneous issues. Sooner or later, however, we must face up to the need to enlarge to the fullest possible extent foreign supply sources for many commodities.

The problems of a complex economy such as we have in this nation go well beyond metals and minerals. In 1973, the nation experienced the biggest boost in the cost of groceries in over twenty-five years. Any relationship between ultimate retail prices and the prices paid to the farmer is minimal at best. The price of beef on the hoof, for example, has dropped very sharply in recent months as this State knows only too well, but a similar drop in retail prices is scarcely discernible. Prices of cotton, wool and synthetic fibers have risen 93 percent. The inflation was 10½ percent from March of 1973 to March of 1974; 14½ percent for the first three months of this year. If we are going to have a chance to minimize difficulties such as these, it is going to be necessary to re-examine and readjust the government apparatus which exists in one way or another for dealing with them.

At last report, more than fifty Federal agencies and administrations were collecting and compiling data on the subject of materials-supply. The total continues to increase with the growing interest in environmental safeguards, product safety and similar questions. A great deal of information is available so that is not the critical point. Nor is it that government intervention and controls are inadequate; in some respects, they are excessive.

The root of the difficulty, as I see it, is how to employ more effectively the intellectual, technical, scientific and other resources which we have available in this nation for confronting the needs of the economy. It is, largely, how to convert what is already known into what can be done but is not being done. In the end, it is a matter of using our heads, of coordinating and applying pertinent knowledge in a rational manner.

This approach need not mean more government intervention in the private economy. The fact is that the government is already intervening up to its ears and has been doing so for decades. That is not going to change. The question is whether the intervention is going to be coordinated for nationally acceptable ends or pursued in a way that is so disjointed and infuriating as to tax the confidence of the people in the fundamental political and governmental institutions of the nation.

What is needed, in short, and what is lacking in the role of the Federal government, to date, has been a kind of central alarm system, an early-warning system, with regard to trends in the nation's economy. May I add that an effort is now being made to design that kind of instrument. When I was asked by my Senate colleagues and the networks, last February, to speak to the nation for the Congressional majority as a supplement to the President's State of the Union message, I put the problem in these words:

"The need is to take a careful look not only at the flashing of the single danger signal (of the energy shortage) but at the whole integrated switchboard of our national existence. It is not enough, for example, for the Federal government to spend tens of millions of dollars in a rescue operation to keep the bankrupt Penn Central Railroad on the tracks. We need to know where an action of that kind fits into a national rail policy; where that policy, in turn, fits into a total transportation pattern; where that pattern, in turn, fits into the over-all requirements of the nation, today, and for the next decade or more."

In short, we need to think ahead in order to make hard political choices between what is more important to the nation and what is less, between what is enduring and what is transitory. That is the full scale by which government intervention in the nation's economy, when it must take place, should be measured. Unless we begin to use that scale, the right hand of government will tend more and more to undo or do over what the left hand has just done.

Shortly after my statement was made last February, Senator Hugh Scott, the Republican Leader, joined me in recognizing this need and, together, we sought the cooperation of the Leadership of the House of Representatives and the President. It was forthcoming. For several weeks, thereafter, the Leaders of both parties in both Houses of Congress gathered in my office, together with the Secretary of the Treasury and several other key economic officials of the Administration in a series of unprecedented meetings to consider this question.

A short time ago, this all-government group was able to reach unanimous accord on how to pursue this matter. As we see it, there is a need for tripartite cooperation on the part of the Congress, the Executive Branch and Americans drawn from outside of government to work together in a national commission which will—

First, act as the central focal and refining point for the ever-accumulating mountain of information which is available on the structure and operation of the nation's economy;

Second, to sort out this vast array of information with the aid of such wisdom and skills that the nation can muster from all relevant sources in order to perceive and forecast with reasonable accuracy what the fundamental economic needs and problems of the nation are likely to be a few years hence;

And, finally, on that basis, to make recommendations to the Congress and the President which can be translated into coordinated and effective government action in meeting those needs and problems. In that fashion, perhaps, crises like that of petroleum, which would otherwise burst in on us one after another, can be mitigated or prevented.

There is now under consideration in the Congress, legislation which has the unanimous support of the two party leadership in both Houses of Congress and of the Executive Branch. If passed, it will permit the taking of the next steps in fashioning a new coordinated approach to the nation's gathering economic needs and problems.

It may seem strange to you that the Executive Branch and the Legislative Branch and the two parties can cooperate at the present time in this fashion. How can there be cooperation there when there is a virtual confrontation on the question of Watergate and related matters? Is not the Congress at this very moment considering the impeachment of the President? Have there not been calls from individual members of Congress of both parties for the resignation of the President? The answer is, yes, it is a time of virtual confrontation over the Watergate affair. Yes, the Congress or, at this point, the House of Representatives, is considering impeachment. Yes, individual members of both parties have called for resignation.

But confrontation in the one instance cannot be allowed to preclude cooperation in others when cooperation is essential to the nation. Nor has it done so. The fact is that there has been cooperation with the Executive Branch not only in regard to the economic question which I have just discussed but also in other matters. Just recently, for example, I returned from discussions with the new President of France, discussions which were pursued with the full knowledge and concurrence of the President. Repeatedly, the Secretary of State, speaking and acting as he does, on behalf of the President of the United States, has had expressions and actions of support from the Senate and the House of Representatives. Not too long ago, I was with the Secretary in Mexico City at a meeting of American Foreign Ministers for precisely that reason.

So I would like to emphasize that the impeachment proceeding which is a Constitutional obligation of the most solemn kind, has not and will not impair the functioning of the Congress in its regular legislative business. Least of all will it stand in the way of cooperation with the Executive Branch in the field of foreign policy. The President knows that there is a large area of agreement in foreign relations between the two Branches and the two parties. So, too, does the Congress. And so, too, may I add do foreign governments.

To be sure, the time is not a happy one either for the President or for the Congress. But the contentment of the elected and ap-

pointed incumbents is not what the Constitution is all about. What matters is not the convenience of the men and women in government—those of us who are here today and gone tomorrow—what matters is the validity and durability of the federal institutions and their continued capacity to meet the needs of the people of the nation.

It is obvious that the confidence of the people in these institutions has been badly shaken by the events and revelations of the past year and a half. We can't escape the reality, however, that Watergate and related matters was not a bad dream. It did happen. It cannot and will not be ignored. It cannot be swept out of sight. There are no shortcuts out of the situation. For Congress to drop the matter, even if it were possible, would provide no answer. For the President to resign, even if he were so inclined, would not provide an answer. A satisfactory answer, in my judgment, can be found only in the Constitution and in the processes provided therein. These are the processes which are now being pursued in a most responsible fashion in the Courts and in the Congress. They will continue to be pursued until the matter is resolved.

It is a trying time for this nation and especially for the young among us. It is not easy to face up to shortcomings in institutions which we have come to regard with a respect bordering on reverence. It is a time for patience and restraint. It is a time for understanding of your government, of the Congress and the Presidency. With that understanding, we can and will carry on during this period of difficulty. Above all, it is a time to remember that "the price of liberty is eternal vigilance."

Our political processes, in the end, will be purified and strengthened by this ordeal. Watergate will pass and we will endure because there is a great deal that is right in this nation. There is a strong, decent, industrious and compassionate people. There is a bountiful land. There is intelligence, inventiveness and vitality. There must be forthcoming the leadership to put these attributes to use for the benefit of all. That is the responsibility of those who serve in government, in the Presidency, in the Congress and in the military and civilian services. This nation deserves more than a decent present. This nation deserves and it will have a decent future in freedom. And this, you may be certain, is what this nation will achieve.

Mr. HUGH SCOTT. I thank the distinguished majority leader for his references to me. He is not only a graduate of a famous school but he himself is, I am sure, one of the most famous and celebrated and honored alumni of that institution. Such a school, so celebrated for its expertise and its ability to train technologists in the art of mining and related subjects, certainly struck gold in this eminent graduate, the distinguished majority leader. So I do extend to him my congratulations that he was able to go back to his alma mater for this commencement week, as I was happy to go back to my first alma mater at the same time.

My alma mater is a little Methodist college founded in 1830. This week I saw a particularly abrasive and rather vicious article about me by a highly inaccurate and rather reprehensible journalist of the lowest order. I suppose the biggest mistake in the article was its author, but his arrival on the scene was something with which I had nothing to do. That we can attribute to his parents.

I was amused, however, that he referred to my little Methodist college, dominated almost entirely by divinity students, submerged under the miasma of prohibition, a college where no alcohol was ever seen except in the chemistry laboratory, and that not for imbibing, as a "mint julep college."

The writer also reveals a sort of reverse bigotry with invidious reference to me as a WASP, as a Protestant, of which, of course, I am proud, but I have no use for bigots of any race, creed, or color, and I would like to excoriate him a bit for that as well, because we Protestants are a minority in some places and a majority in others, and are as proud of our traditions as the Catholics—who outnumber me in my own family, by the way—or members of the Jewish faith, Moslems, or anyone else.

I have undertaken to deliver myself of this little hortatory effort because I honor the journalistic profession, and the vast majority of them are faithful scribes and honorable people. But every now and then you meet some dishonorable little squirt, and he gets paid for it.

I suppose he earned his 30 pieces of whatever it was. Let him go on his way, finding whatever consolation he can. I will say this: Had he read his article aloud to me before he left the office, I am not certain whether he would have left on two feet or four.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Republican leader can take consolation in the fact that he graduated with honors. He was second in his class, which I think would be the equivalent of——

Mr. HUGH SCOTT. Avis. Avis rather than Hertz.

Mr. ROBERT C. BYRD. Having graduated second in the class would be the equivalent, I suppose, of graduating magna cum laude. In my case, I graduated not summa cum laude, not magna cum laude, but "Thank the Lordie."

Mr. HUGH SCOTT. Well, I congratulate the Senator in the fact that we are now both here.

The PRESIDING OFFICER (Mr. METZENBAUM). Is the Senator from Pennsylvania going to try harder?

Mr. HUGH SCOTT. The Senator from Pennsylvania will continue to try harder. He will be as trying as he knows how to be.

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## STATEMENT BY SENATOR MANSFIELD AT JOINT HOUSE-SENATE DEMOCRATIC LEADERSHIP MEETING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be inserted in the RECORD at this point an opening statement which I made to the monthly meeting of the Joint House-Senate Democratic Leadership; a memorandum prepared by Beth Shotwell for the distinguished assistant majority leader and myself; and a statement of the joint Democratic leadership, Senator MANSFIELD, Senator ROBERT C. BYRD, Speaker ALBERT, Congressman O'NEILL, and Congressman MCFALL, issued at the conclusion of our meeting this morning which was attended by the chief of the Democratic Mayors' Conference, the Honorable Henry Maier of Milwaukee.

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

OPENING STATEMENT

On behalf of the Joint House-Senate Democratic Leadership, I welcome Mayor Henry Maier of Milwaukee, who is the Chairman of the Democratic Mayors' Conference.

This is the first time the Democratic Mayors have been represented at these monthly Democratic breakfast meetings.

Robert Strauss, Chairman of the Democratic National Committee has met with us on several occasions this year and Governor Wendell Ford of Kentucky, Chairman of the Democratic Governors' Conference, attended our last breakfast. We regret their absence today while they are attending the National Governors' Conference meeting in Seattle.

At our last meeting, we commented that Watergate seemed to obscure the many accomplishments of the Congress. It is increasingly evident that the investigations of wrongdoings have not slowed Congress. As the House Judiciary Committee is bringing a careful and deliberate investigation to a close and the Senate Select Committee on Presidential Campaign Activities is formulating recommendations for Congressional action, Congress is moving ahead on regular business.

As an indication of Congressional activity, I would point out that over twice as many bills have been enacted this year than at this time last year. In a moment, I shall call on Senator Byrd for further comment on the legislative program.

First, I would like to say that we appreciate the input and cooperation of the local officials represented by Mayor Maier. We look forward to a concerted national Democratic effort to meet the nation's needs. We shall meet those needs notwithstanding our determination to deal with the grave constitutional questions posed by Watergate and related matters.

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U.S. SENATE,
DEMOCRATIC POLICY COMMITTEE,
*June 4, 1974.*

To Senators MANSFIELD and ROBERT C. BYRD.
From Beth Shotwell.
Subject Comparison of Senate progress in 1973 and 1974.

1. As of yesterday, the Senate has passed 248 measures, including private bills; as of June 3, 1973, the Senate has passed 218 measures.

2. As of yesterday, there have been a total of 78 measures enacted this year (58 public and 20 private bills), compared with a total of 36 enacted as of June 3, 1973. A more detailed comparison as of June 3 follows:

| | *1973* | *1974* |
|---|---|---|
| Days in session | 74 | 71 |
| Hours in session | 352:09 | 421:19 |
| Total measures passed | 218 | 248 |
| Public laws | 36 | 58 |
| Private laws | 0 | 20 |
| Treaties | 5 | 2 |
| Record votes | 157 | 214 |

3. The list of bills which have passed the Senate this Congress which await House action are as follows:

1. Campaign Reform (S. 3044 and S. 372).
2. Compensation for Victims of Crime.
3. Comprehensive Housing Programs.
4. Energy Conservation.
5. Energy Research and Development.
6. Indian Self Determination.
7. Land Use Planning.
8. Mandatory Death Penalty.
9. No-Fault Auto Insurance.
10. Postal Rate Adjustment.
11. Safe Drinking Water.
12. State/USIA Authorization.
13. Strip Mining Controls.
14. Veterans Drug and Alcohol Treatment.
15. Eastern Wilderness.

4. The following bills are in House-Senate conference:

Aircraft Piracy Prevention.
Asst. Sec. for Indian Affairs—House conferees not yet named.
Bio-Medical Research.
Congressional Budget Reform.
Defense Supplemental Authorization—House will consider conference report today.
Diabetes Mellitus Research.
Energy Supply—Clean Air.
Federal Impoundment Control.
Fire Prevention and Control.
Legal Service Corporation—House has adopted conference report.
NASA Authorization—Senate adopted conference report on 5/30.
National Cancer Program Authorization.
Nonprofit Hospital Employees—Senate conferees not yet named.
OPIC—House conferees not yet named.
Pension Reform.
Supplemental Appropriations, 1974—Conference report filed.
School Lunch Program.
Toxic Substances Control.
Urban Mass Transit.
Welfare Reform.

5. The following have passed both Houses but are not yet in conference or have not yet had their differences resolved:

Arms Control and Disarmament Authorization.
Civil Service Retirement Annuities, S. 628.
Elementary and Secondary Education.
Foreign Disaster Assistance.
National Science Foundation Authorization.
Solar Heating and Cooling.

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JOINT STATEMENT OF DEMOCRATIC CONGRESSIONAL LEADERSHIP

(Present at meeting: Senator Mansfield, Senator Robert C. Byrd, Speaker Albert, Congressman O'Neill, Congressman McFall)

In our monthly Democratic Congressional Leadership meeting this morning we were joined by Mayor Henry Maier of Milwaukee, who is Chairman of the Democratic Mayors' Conference. This is the first time the Democratic Mayors have been represented at this meeting, and we think this opens Congress to increased communication with the cities of the nation. Gov. Wendell Ford of Kentucky, Chairman of the Democratic Governors' Conference, and Chairman Robert Strauss of the Democratic National Committee have met with us in the past, but could not be here this morning because they are attending the National Governors' Conference in Seattle.

At our leadership meeting of May 14 we commented that Watergate seemed to obscure the many acomplishments of the Congress. It is increasingly evident that the investigations of wrongdoings have not slowed Congress. As the House Judiciary Committee is bringing a careful and deliberate investigation to a close and the Senate Select Committee on Presidential Campaign Activities is formulating recommendations for Congressional action, Congress is moving ahead on regular business. At the present time, the pension rights bill is in conference; the Senate has approved the $2 billion appropriation for energy programs; the bill to create a consumer protection agency has passed the House and is on the Senate calendar; both Houses have passed legislation to improve and expand elementary and secondary educational programs and the measure will be considered in conference soon; the bill to improve veterans' education benefits is now Public Law 93-293; both Houses have voted for budget reform and that bill is now in conference; progress is being made on a windfall profits tax and the national health insurance bills in the House, and the Senate has passed campaign reform legislation.

Since convening in January the Congress has worked very hard to discharge its legislative responsibilities. As a measure of Congressional activity, I would point out that almost twice as many bills have been enacted this year than at this time last year.

Mayor Maier has discussed with us a number of national problems, particularly as regards the plight of the cities in relationship to economic development, housing and revenue sharing. We appreciate the input and cooperation of the local officials he represents in giving effect to a concerted national Democratic effort to meet the nation's needs. We shall do our best to meet those needs notwithstanding our determination to deal with the grave constitutional questions posed by Watergate and related matters.

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## THE NEWLY ELECTED PRESIDENT OF FRANCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be inserted in the RECORD at this point the inaugural address of Valery Giscard d'Estaing, President of the French Republic, at the Elysee Palace on May 27, 1974; also main excerpts from the statement by Valery Giscard d'Estaing, President of the French Republic, read to Parliament on May 30, 1974; also a news story from the New York Times of Tuesday, June 4, entitled "Giscard Brings a More Relaxed Style to the Presidency"; and an editorial from the Baltimore Sun under date of June 3, 1974. I ask unanimous consent that they all be printed at this point in the RECORD.

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

INAUGURAL ADDRESS BY VALERY GISCARD D'ESTAING, PRESIDENT OF THE FRENCH REPUBLIC, AT THE ELYSEE PALACE, MAY 27, 1974

This day marks the beginning of a new era of French policy. Not only, Mr. President (of the Constitutional Council), because of the proclamation of the results which you have just made, a proclamation the honor of which I fully recognize in my respect for France and her long history; not only because of the 13,396,203 men and women who have placed their trust in me by choosing me to become the 20th president of the French Republic; but because of all the votes that were cast on May 19, 1974. According to the rules of democracy they are equal votes regardless of whether they came from women or men, young or not-so-young, workers or nonworkers, each of whom showed in his own way and according to his own preferences his desire for change.

My first greeting as President of the Republic is extended to those in this contest who aspired to hold this office and who were fully capable of holding it; I refer in particular to François Mitterrand and Jacques Chaban-Delmas.

It has fallen to me to bring about the change but I will not be doing it alone. While I intend to assume the role of President in full and accept in this respect the responsibilities that such a position implies, the action to be taken will fully associate the government, in its initiatives, with Parliament, in its control and rights.

I shall not be leading alone, however, because I am listening to and still hearing the voices of the French people who have called for change loudly and clearly. We will make this change with the people and for the people, according to their number and diversity. And we will do it especially with the young who carry gaiety and the future like a torch.

Mr. President, ladies and gentlemen, now is the moment to open the book of time at a dazzling white page. Together as one great people united in fraternity let us begin the new era of French policy.

MAIN EXCERPTS FROM THE STATEMENT BY VALERY GISCARD D'ESTAING, PRESIDENT OF THE FRENCH REPUBLIC, READ TO PARLIAMENT, MAY 30, 1974

The Premier will explain to you next week the prospects for governmental action. He intends, with my agreement, to ask you to vote on a program.

France will maintain the independence of her policy; in other words she will do what is necessary to make, in complete freedom, the decisions that are required to protect her interests and show her determination to contribute to equilibrium and peace in the world. She will actively participate in the solidarity of the new world. She will do this in Europe by lending her initiatives to help in the indispensable maintenance of what has been built and also in the rapid graduated organization of European union; she will do this in the world by everywhere seeking cooperation, whether with the United States on an equal footing, or with the Soviet Union and the socialist countries through stepping up especially her economic relations with them, or with China, which embodies many of the question marks of the human race, or with the developing countries, which include our brothers the independent and sovereign French-speaking states with which we shall continue to develop friendly, trusting ties on an equal footing, and which also include the poorest countries in the world.

France will reaffirm and emphasize the liberal mission of her diplomacy. . . . She will refrain from any arms sales that would run counter to the implementation of this mission.

The conduct of foreign policy presupposes a return within the shortest time possible to the equilibrium in the balance of trade that was upset by the increased cost of energy and imported raw materials.

At home, we must put up a vigorous fight against inflation and at the same time pursue our economic growth and boldly tackle the transformation of French society. This does not just mean payment for labor performed but genuine participation on an equitable basis in the profits accruing from expansion.

French society needs to be more equal—both in the opportunities for our young people and in the discrepancies that exist between the social benefits of various categories of working people. Our society needs to be more equitable in the fate of those whose situation falls below the national average—I am referring to the elderly . . . for whom we must make an exceptional effort.

Our society must make it easier for every individual to achieve personal fulfillment in terms of his own aptitudes and preferences. Hence the fundamental role of a completely democratic education, adapted to the individual needs of each person. Hence the vital importance of continuing education.

Lastly our society must demonstrate greater fraternity, greater openness and greater tolerance. I ask you not to see this wish as a vestige, albeit a legitimate one, of the presidential campaign but rather as the hope that the France of Diderot, Michelet, Waldeck-Rousseau and Léon Blum will present a friendly aspect in the difficult times we live in.

It is well known that I favor the possibility of an alternation of power. . . . The opposition must be capable of playing its role and exercising its responsibilities. There has been talk of a statute for the opposition. It is probably more a matter of practices which concern the parliamentary assemblies, the interflow of information and also the exercise of my own responsibilities.

The presidents of the parliamentary assemblies will, I am sure, be able to propose the necessary initiatives. Specific regulations will have to be established regarding information. As far as my responsibilities are

concerned, I will inform the leaders of the opposition of the determining factors in some of the major government decisions, in particular those dealing with foreign affairs. . . .

If we are to bolster the democratic way of life in our country, I think there are three decisions that are urgent, and there are also two initiatives that might be taken. The decision to lower the voting age; the reexamination, at a time when no one could see personal motivations in this, of the regulations governing candidacies in presidential elections; and the determination of the conditions whereby the members of the government can regain their seats in Parliament when they leave the government.

The initiatives could involve broadening the powers of the Constitutional Council, in particular by the recognition of a de jure right to be seized of a matter. . . . They could also entail an improvement in the manner in which Parliament exercises control and is kept informed; should the National Assembly so decide, it could reorganize its rules so as to reserve one hour each Wednesday at the start of the afternoon session, for questions on current issues to be asked by the majority and the opposition, each having equal time, according to a procedure to be defined. . . .

France wants to change. . . . It is with you that this change must be made, because you represent the country and because the country elected you just one year ago. So it is with you that I hope to lead the country.

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GISCARD BRINGS A MORE RELAXED STYLE TO THE PRESIDENCY

(By Clyde H. Farnsworth)

PARIS, JUNE 3—In his first week in office, President Valéry Giscard d'Estaing has acted to demystify the presidency, set France on a more liberal course and consolidate his power by moving friends into key positions.

There is a new relaxed French White House. The French White House. The protocol and majesty, so heavily accented during 16 years of Gaullist rule are now being as heavily de-emphasized.

The new President is already referred to as "Valéry." Georges Pompidou, his predecessor, was never known as "Georges." Gen. Charles De Gaulle was never "Charles," although he was sometimes called Le Grand Charles.

The changes in style began from the moment President Giscard d'Estaing took office May 27. He walked to the Elysée for the inauguration and wore a business suit instead of the traditional tails. Another innovation was the schoolchildren brought from a working-class suburb of Paris to watch the ceremonies.

His fondness for walking, instead of driving, on the auto-clogged streets of Paris showed up on several other occasions.

As part of the investiture ceremonies he walked part of the way up the Champs-Elysées to lay a wreath at the Arc de Triumphe on the tomb of the unknown soldier.

MORE IS INVOLVED

Last Wednesday, after a television address to the nation, he was seen slipping out of a rear exit of the Elysée Palace for a night promenade with a single aide.

And last Friday, after a dinner with the West German Chancellor, Helmut Schmidt, he walked his guest the block from the Elysée to the Bristol, where the German delegation was staying, to bid him good night. Amazed French policemen were at pains to prevent the pair from being run over.

"You will be surprised by the changes I will bring," President Giscard d'Estaing told the nation a few days after the election.

The new style involves more than a limbering of the limbs and the minimization of protocol.

At his first Cabinet meeting President Giscard d'Estaing ordered the suppression of wiretapping, except by the narcotics and counterespionage departments, where specific surveillance rules will be formulated and applied. The archives of taped conversations are to be destroyed.

President Giscard d'Estaing also promised more journalistic freedom, declaring, "I shall order no impounding of any newspapers even if they attack me personally," and said that France must develop more broadly as an asylum for intellectual and political refugees.

Further stressing liberalism are the constitutional reforms now being drawn up that will put the whole Cabinet on the firing line for questions in the National Assembly, once a week, and give individuals greater protection against infringement of personal liberties.

But despite these and other innovations, there is nothing to indicate that the new President will not rule forcefully.

By appointing close friends to high office he has moved to set up a solid base for personal power. The Premier, Jacques Chirac; the Interior Minister, Michael Poniatowski, and the Finance Minister, Jean Pierre Fourcade, are close associates of the President and technocrats with similar backgrounds.

All four are alumni of the élite school for rising technocrats, the National School of Administrating and form something like the Harvard braintrust around President Kennedy.

Mr. Poniatowski, a cousin of the President's wife, Anne-Aymone, and a 1946 classmate at the administration school, was a partner in creating the Independent Republican party, which became an ally, and at the same time a critic, of the Gaullist party in the National Assembly.

Although conservatively oriented, the Independent Republicans believed that Gaullism was focused too much on the past and too little concerned with civil liberties.

Mr. Poniatowski was a Minister of Health under the Gaullists, and campaign manager in the bid for the presidency. Mr. Chirac and Mr. Fourcade worked with Mr. Giscard d'Estaing in the Finance Ministry during part of the 11 years, off and on, that he served as the Minister.

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[From the Baltimore Sun, June 3, 1974]

FRANCE IS A LIBERAL COUNTRY

Valery Giscard d'Estaing's first action as third president of France's Fifth Republic was a welcome deflation of that bloated office. He walked to his inauguration. He invited members of the National Assembly to sit when he addressed them. He announced that publications would no longer be seized for insulting the president or the presidency. Though commanding a comparative handful of National Assembly members in his own Independent Republican party, he nonetheless proposed enhancing the parliamentary branch of government, which the late President de Gaulle had reduced to impotence, at his own expense. This extends to promised consultations with opposition leaders on foreign policy, a sensible idea in any country.

For one who served so long in de Gaulle's cabinet, Mr. Giscard d'Estaing has revealed himself, safely after election, as more a reformer than might have been expected. Though his premier, Jacques Chirac, is a Gaullist, only five of the 16 cabinet ministers are. Two are from Mr. Giscard d'Estaing's own party. Two of them, notably, are the rival leaders of the parliamentary center, Jean Lecanuet and Jean-Jacques Servan-Schreiber. The president who won a polarized election of left against right is using his rightist victory to give power to the moderates, which is a fair reading of what the electorate really wanted.

"France is a liberal country," the president declared in promising an end to government snooping on oppositionists, to bugging, to seizures of publications and to restrictions on the activities of political exiles in France. It would be truer to say that France's liberal instincts were never successfully repressed. Most Frenchmen are bound to welcome Mr. Giscard d'Estaing's initiative, though they may hold their applause until the results are evident. If President Giscard d'Estaing follows through on his promise, France will become a more liberal country, than it recently has been. If he is creating opposition to his first policies, ironically it is among hardcore Gaullists in the National Assembly, to whom he appears to wish to give more power than de Gaulle ever did.

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## THE CHECKBOOK APPROACH TO DIPLOMACY

Mr. GOLDWATER. Mr. President, Secretary of State Kissinger has told Congress that as beginners it will take $100 million to sort of put Syria back together and placate her feelings. Now $100 million is not by modern congressional standards a lot of money, but I suggest that this could just be "openers."

Are we going to try to solve the problems of the world by continuing to dole out money as we have been doing for the past 25 years, I might say without much success, or are we going to try to solve the problems of the world by keeping America strong economically, financially, militarily, and, I suggest, morally? At a time when the American dollar is in the worst shape it has ever been, when the American economy is in trouble, when the whole concept of free enterprise is being attacked at home as well as abroad, when we are told that our priorities are all out of line, when inflation is running at an alltime high, when the purchasing power of the dollar is on a toboggan, how can anyone suggest that for "openers" we hand out $100 million to a country we have never attacked, never been particularly friendly to, and whose aid we have never particularly sought.

I think it is time for long, thoughtful discussion on this approach to the solution of the world's problems, an approach, I might say, that has failed ever since we have started it, with the exception of a few European countries.

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## ORDER FOR ADJOURNMENT FROM FRIDAY UNTIL 11 A.M. ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, it stand in adjournment until 11 o'clock a.m. on Monday next.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Appropriations, with amendments:

H.R. 14434. An act making appropriations for energy research and development activities of certain departments, independent executive agencies, bureaus, offices, and commissions for the fiscal year ending June 30, 1975, and for other purposes (Rept. No. 93-903).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 3523. A bill to establish a Temporary National Commission on Supplies and Shortages (Rept. No. 93-904), together with additional and supplemental views.

Mr. MAGNUSON. Mr. President, today I submit a report from the Committee on Commerce on S. 3523, the National Commission on Supplies and Shortages Act of 1974. The bill was introduced by Senator MANSFIELD and was developed by the joint leaders of the Congress and by the administration. Prior to its introduction, 3 days of joint hearings were held by the Commerce and Government Operations Committees to consider related legislation (S. 2966, amendments Nos. 1069 and 1195 thereto, and S. 3209). At those hearings all witnesses other than the administration criticized the processes which now exist for handling shortages. The sentiment expressed by the members of both committees at the hearings was that a new institutional mandate or agency was needed to monitor resource and product shortages. Given this background and a 2-week referral on S. 3523, the Commerce Committee unanimously reports S. 3523 with amendments.

The distinguished leader from Montana is to be commended for initiating the meetings with administration officials which led to the introduction of S. 3523. The legislation recognizes the urgent need for a reporting mechanism on the supply of essential resources and products. The purpose of S. 3523 is to establish a National Commission on Supplies and Shortages which will be required to report to the President and the Congress on the existence or possibility or shortages of resources and commodities and on institutional adjustments for examining and predicting shortages.

The energy crisis dramatized the lack of information and lack of planning with respect to the supply of an essential resource. Resource experts have warned repeatedly about a possible crisis of energy, and they continue to warn about the coming crises of other vital resources. The United States is increasingly dependent upon foreign sources for a variety of basic materials, as well as energy. Industrial consumer nations are scrambling for basic natural resources from producing nations. This dependence, coupled with the energy crisis, inflation, and numerous other shortages of materials and commodities have generated concern and recognition by Members of Congress that decisionmakers must be better prepared for a future materials crisis.

The lack of preparation to meet the energy crisis was not so much due to a lack of statistics, as it was to a failure of the institutional structure of Government to provide a mechanism for coordinating the statistics and presenting the issue forcefully to key decisionmakers in the executive branch and Congress. A similar lack of coordination and official awareness exists regarding information on other essential resources and products. Although a wealth of information is currently available on resources and industrial supplies, it is scattered among more than 50 agencies of the Federal Government. The existing structure of these agencies does not adequately identify future trouble spots or shortages in the economy. Information is not systematically coordinated, analyzed, or disseminated in a manner which considers all relevant factors contributing to a resource or product shortage. No one agency is responsible and accountable for current and future appraisals of the status of resources.

World population growth complicates and broadens the problem to include one of world scarcity, as well as one of national scarcity. In addition, the governments of producing countries are playing a more active role and are trying to increase their profits by considering the creation of international organizations modeled after the Oil Petroleum Exporting Countries—OPEC. Copper, bauxite, coffee, and bananas are examples of products where this is being attempted. In the case of bauxite, unilateral restrictions by Jamaica are being contemplated.

Legislation has been introduced in the Jamaican Parliament to increase by some 700 percent the revenues currently paid by the aluminum producing industry. The industry's proposal for a 300-percent increase was rejected. The impact of such a price increase by Jamaica could significantly increase the price paid by American consumers for aluminum, because Jamaica supplies the majority of bauxite—from which aluminum is produced—used in this country. This price increase would disrupt the aluminum industry, but also would affect the economy of my home State, because of the many aluminum plants in Washington.

The proposed bill would help the Nation and help Government decisionmakers to better prepare for such economic disruptions and possible shortages of essential resources. S. 3523 establishes an independent national Commission to report to the President and the Congress on the existence or possibility of shortages of any natural resources, raw agriculture commodities, materials, or manufactured products and to report on institutional adjustments for examining and predicting shortages.

The Commission would be comprised of 13 members, each serving for a 3-year term or shorter period of time if the Commission terminates. Five members would be chosen from private life, four from Congress, and four senior officials from the executive branch of Government. The Commission would be required to report on December 31, 1974, and at least every 6 months for the next 3 years on, first, the existence or possibility of shortages or market adversities; second, ways to increase materials in short supply or to correct the adversities; third, existing Government policies affecting the supply of resources; fourth, the means for coordinating information on shortages; and fifth, institutional adjustments for handling shortages.

The Commission members chosen from private life would be entitled to compensation on a per diem basis, while the other members, representing the Government, would serve without additional compensation.

The President in consultation with the congressional majority and minority leaders would be required to designate a Chairman and Vice Chairman of the Commission and the Commission, through its Chairman would appoint an Executive Direcor of the Commission.

It is my hope that the Senate will pass this important legislation as soon as possible.

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## EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Betty Southard Murphy, of Virginia, to be Administrator of the Wage and Hour Division, Department of Labor.

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

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## 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. BENNETT:

S. 3581. A bill to amend the Internal Revenue Code of 1954 with respect to the collection of income tax at source on amounts awarded in State-conducted lotteries. Referred to the Committee on Finance.

By Mr. RIBICOFF:

S. 3582. A bill to amend Public Law 93-233 to extend for an additional 12 months (until July 1, 1975) the eligibility of supplemental security income recipients for food stamps. Referred to the Committee on Finance.

By Mr. ABOUREZK:

S. 3583. A bill cited as the "Petroleum Price Rollback and Control Act of 1974." Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS (by request):

S. 3584. A bill to amend titles VII and VIII of the Public Health Service Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. MAGNUSON, Mr. RANDOLPH, Mr. PELL, Mr. HATHAWAY, and Mr. CLARK):

S. 3585. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes; and

S. 3586. A bill to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training. Referred to the Committee on Labor and Public Welfare.

By Mr. TOWER (for himself and Mr. BENTSEN):

S. 3587. A bill for the relief of Clara K. Finch. Referred to the Committee on the Judiciary.

By Mr. MONDALE (for himself and Mr. HUMPHREY):

S. 3588. A bill to amend the Social Security Act to prevent State supplementation benefits from being reduced on account of increases in the level of benefits payable under the supplemental security income program, to prevent certain individuals from losing medicaid eligibility, because of increases in social security benefits or supplemental security income benefits, and for other purposes. Referred to the Committee on Finance.

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## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT:

S. 3581. A bill to amend the Internal Revenue Code of 1954 with respect to the collection of income tax at source on amounts awarded in State-conducted lotteries. Referred to the Committee on Finance.

Mr. BENNETT. Mr. President, I am introducing today on behalf of the Treasury Department a bill to amend the Internal Revenue Code of 1954 to facilitate the collection of income taxes from the increasing number of winners in State-sponsored lotteries. There are presently eight States—Connecticut, Massachusetts, Maryland, Michigan, Pennsylvania, New Hampshire, New Jersey, and New York—operating Statewide lotteries, with several others considering enactment of legislation authorizing lottery operations. This bill is designed to help lottery winners pay appropriate taxes on their winnings, insuring more complete compliance with the Internal Revenue Code.

Section 6041 of the Internal Revenue Code requires information reporting on lottery winnings of $600 or more. Although an Internal Revenue Service study based on a sampling of these information documents has indicated a relatively high rate of compliance in the reporting of lottery winnings, 85 percent of the winners reported their gains on timely filed income tax returns, the residual noncompliance is sufficient to warrant concern. Moreover, there is reason to believe that compliance is much lower for winners of less than $600 with respect to whom information returns are not required under present law.

Apart from the compliance problem there is the payment problem that arises because many winners are unsophisticated in tax matters and thus fail to provide for timely payment of Federal income tax on their winnings. In many cases winners spend their lottery proceeds before the tax return filing date and consequently find that they are unable to pay the tax on their winnings when their taxes are due. Withholding at the source would alleviate payment problems for such taxpayers and would also reduce the incidence of delinquent account activity in the Internal Revenue Services' Collection Division.

Accordingly, I am submitting this bill amending section 3402 of the Code which would require States conducting lotteries to withhold tax from amounts paid to individuals as prizes in connection with such lotteries.

For purposes of withholding and related administrative provisions, the bill treats payments of State lottery winnings as if they were payments of wages by an employer to an employee. However, withholding is applied at a flat rate of 20 percent on gross payments and is subject to a de minimis floor of $100. Under the bill the normal withholding exemptions are inapplicable to withholding. In lieu of a form W–4 a winner is required to furnish to the payer a statement showing the name, address, and taxpayer identification number of each person entitled to share in the payment. The bill applies to payments made after December 31, 1974.

Compliance with these provisions will depend in large measure upon the cooperation of the States rather than upon sanctions for failure to comply. The States will have to file forms W–2 with respect to payments and amounts withheld. However, the States are presently providing the Service with information returns, and it is unlikely that this additional requirement will place an undue burden upon them.

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By Mr. RIBICOFF:

S. 3582. A bill to amend Public Law 93–233 to extend for an additional 12 months (until July 1, 1975) the eligibility of supplemental security income recipients for food stamps. Referred to the Committee on Finance.

FOOD STAMPS FOR AGED, BLIND AND DISABLED

Mr. RIBICOFF. Mr. President, today I am introducing legislation to allow recipients of aid to the aged, blind, and disabled to continue to receive food stamps. Unless action is taken on this legislation, thousands of Connecticut's needy and millions of people throughout America will lose their entitlement to food stamps on July 1, 1974.

Recipients of supplemental security income—SSI—aid to the aged, blind and disabled presently receive an SSI payment plus food stamps.

Under present law their food stamp eligibility will end on July 1, 1974 if their SSI income today is greater than what they received in December of 1973 through welfare plus food stamps.

In Connecticut this means that up to 15,000 aged, blind and disabled will lose their food stamp eligibility on July 1, 1974.

In December of last year Congress suspended until July 1, 1974 the food stamp cutoff. My proposal would suspend that cutoff for one additional year.

A 1-year moratorium will give Congress an opportunity to rework the complicated provisions of the law. At the same time it will assure that no aged, blind or disabled person loses his or her food stamp eligibility because of a legal technicality.

The sad fact is that even today SSI plus food stamps provides only a meager subsistence for the neediest. It would be a cruel hoax in these inflationary times to deprive these people of the food stamp portion of their income.

I am pleased that similar legislation was introduced in the House of Representatives by Congressman JAMES CORMAN and was approved by the Ways and Means Committee on June 4, 1974.

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By Mr. ABOUREZK:

S. 3583. A bill cited as the "Petroleum Price Rollback and Control Act of 1974." Referred to the Committee on Interior and Insular Affairs.

CRUDE OIL PRICE ROLLBACK

Mr. ABOUREZK. Mr. President, this bill would rollback the price of a barrel of domestically produced crude oil to the level which existed on May 15, 1973. While I do not know if costs for producing new oil have increased, this bill would allow the President to increase the price of crude oil, if producers can demonstrate legitimate increased costs of production.

Many voices have contributed to the current debate over the price of crude oil. Small producers claim they need the current $10.50 price for so-called new oil as an incentive to explore. Spokesmen for the Federal Energy Office parrot that same claim. In short, the oil industry and the Nixon administration are defending high prices and large profits on the basis that revenue generated in this way will encourage the increased production of crude oil which will somehow bring prices down. Not only are these claims patently false, they are also being used to justify the confiscation of the earnings of millions of decent, hardworking, patriotic American citizens by the Nation's largest oil and energy companies.

The major oil companies and the administration deceptively argue that the price of oil should be determined by the mechanism of the free market. Yet, there is no free market in oil. There are only the self-serving claims of the major oil companies that competition exists because there are 10,000 small producers. Just because there are 10,000 producers, however, does not mean that there is workable competition within the oil industry.

On July 12, 1973 the staff of the Federal Trade Commission published the results of its investigation of the petroleum industry. Among its revealing conclusions were the following:

In the many levels in which they interrelate, the majors demonstrate *a clear preference for avoiding competition* through mutual cooperation and the use of exclusionary practices. Together they dictate a common price for raw materials and seek to stabilize price for refined product. Their common conduct with respect to pipelines and *their tendency to bypass the market mechanism* through the use of exchange and processing arrangements, has been clearly exclusionary. These exclusionary practices are directed at a common target—the independent sector of the industry. In sum, *the majors continually engage in common courses of action for their common benefit.*

And in the Federal Trade Commission's February 22, 1974 complaint against Exxon, Texaco, Gulf, Mobil, Standard Oil of California, Shell, and Atlantic Richfield, the FTC argued that these eight companies "are heavily concentrated in crude oil production and as a result exert substantial control over the price and supply of crude oil." The complaint goes on to state that these eight companies—

as the dominant purchasers of crude oil, post the price at which crude oil changes hands. Their power to set and maintain the price derives from their concentration in crude oil production, their control of crude oil pipelines and their control over international crude oil. Moreover, they have bolstered their power to control the price of crude oil by their exploitation of state and federal legislation, particularly state prorationing laws and the oil import quota, which assist them in restricting the quantity of crude oil produced to a level with the posted price.

The FTC complaint further alleges that the companies in question own approximately half of the crude oil production in the relevant market. They also produce a substantial part of this oil in "various combinations with each other."

But ownership of production does not give a true picture of (the companies') control over the supply of oil. This control is substantially augmented by their ownership—largely joint ownership—of the system by which crude oil is transported from the producing field to the refining areas. *Control of this system is tantamount to control over crude production itself.*

This FTC complaint is neither frivolous nor unsubstantiated as industry advocates argue. The FTC complaint contains mountains of documentation covering over 20 years of anticompetitive and monopolistic practices by the largest eight major petroleum companies.

Advocates for higher prices, defenders of what Senator JACKSON has called obscene profits and spokesmen for the major oil companies have never effectively disputed the factual substance of the above analysis. Instead, through name calling, innuendo, and unsubstantiated characterizations, these spokesmen have attempted to discredit the source of this analysis.

For too many years this Government has been manipulated by the economic interests of the major oil companies. In fact, the petroleum industry is so dependent on this Government for its profitability, growth and expansion that one well known and highly respected economist, Dr. Walter Adams, recently testified before the Special Subcommittee on Integrated Oil Operations that—

The petroleum industry is a government-sanctioned, government-supported, government-subsidized cartel—reinforced by a honeycomb of private restraints which systematically stifle and suppress competition. The industry is truly a "state within a state," a sovereign unto itself. It is not subject to effective regulation by the government. It is not subservient to the marketplace. It is under no compulsion to promote the public interest.

This Congress, however, is under a compulsion to serve the public interest. And one way to perform that duty is to roll back the price of domestically produced crude oil.

Many of my Senate colleagues have criticized any effort to roll back the price of domestically produced crude oil to May 15, because they believe a higher price is necessary to provide the so-called independent producers with incentives to drill for more oil. This line of reasoning is not only illogical since it ignores totally the anticompetitive, oligopolistic structure of the oil industry, it is also unwise, since it plays directly into the hands of those very companies who have been holding a veritable gun to the heads of the American people.

It is now painfully obvious, especially to millions of Americans who have suffered from what amounts to a massive extortion campaign, that those who have benefited from the higher prices of domestically produced crude oil are predominantly the top 25 major producers. The first quarter profit figures for these large vertically integrated companies reveal that a substantial proportion of these outrageous profits were earned as a direct result of the Nixon administration's unjustified price increases on crude oil.

It is important to note a statement in the April 1, 1973, issue of Forbes magazine. In an article entitled Exxon Corp., it was revealed that—

The most profitable crude oil of all comes from the lower 48 states of the U.S., where, thanks to lower taxes and higher selling prices, it is possible to net *$1.50 to $2 per barrel.* Exxon still is the biggest producer of U.S. crude at around 1 million barrels per day. The U.S. accounts for about 18% of Exxon's daily production of 6 million barrels, but *more than a third of its total profits.*

In April, 1973 crude oil prices were roughly $3.60 a barrel in the United States. In other words, all the price increases since then allowed by the Nixon administration have been nothing but clear profit. And the repeated refrain of administrators like former Governor Love, of Cost of Living Council Chairman John Dunlop, of Treasury Secretary Simon and others has been that these price increases are necessary to increase U.S. production. These men along with other industry spokesmen have pointed to the increase in drilling statistics as the justification for their actions.

The American Petroleum Institute has repeatedly pointed to these statistics. What the API does not reveal, however, is a breakdown of these statistics. Many of the wells currently being drilled are not really new wells at all. There are consistent charges that many wells are being drilled adjacent to existing wells in order to take advantage of the loophole permitted increased prices for so-called new oil or oil drilled from new wells.

Another indication that these statistics are spurious is the FEO's analysis of how much new, old, and stripper well oil this country is producing. For 1973, 71 percent of the oil produced in the United States was considered old, 13 percent stripper, 10 percent new and 6 percent released. Yet, even though 16 percent of domestic production, 1,456,000 barrels per day, was new and released oil, there was no increase in total production. In point of fact, there was a decline of over 200,000 barrels per day compared to the previous year. For the first 3 months of 1974 the percentages for new and released oil have increased, but there also has been no increase in production. According to the production statistics of the API, the 4-week average ending May 4, 1973, amounted to 9,346,000 barrels per day compared with the 4-week average ending May 3, 1974, amounting to $9,032,000 barrels per day, a decline of 314,000 barrels per day.

Thus, the Nixon administration's allowance of arbitrary and confiscatory increases in the price of domestically produced crude oil have not resulted in increased oil production, but only in increased profits to the major oil companies. Many people are concerned with the small producers, who are claiming that without these price increases they will go down the drain.

It is the major companies who control most of the reserves and production of crude oil and natural gas in the United States. As of 1970, according to the FTC staff report, the top 20 companies controlled 94 percent of the Nation's crude oil reserves. In 1969, according to the same report, the top 20 companies controlled over 70 percent of crude oil production. The so-called independent producers may explore and discover most of the crude oil, but they certainly don't own or control it.

Thus, to suggest that it is the independent producer who will benefit the most or who will provide the necessary additions to our crude oil reserves is both naive and unreasonable. The solution to the problem of increasing the Nation's crude oil supply is not to appease the private greed of the major oil companies and the small producers who defend them, but it is to enforce the existing antitrust laws and to legislate real competition in the industry.

While it will no doubt take time before Congress or the courts can break the stranglehold in the oil industry, Congress must try to protect consumers from exploitation by the major energy companies. Therefore, a measure to roll back the price of crude oil would perform just that function.

The major oil companies, of course, are totally opposed to any rollback of prices. They even go so far as to attempt to blackmail the American people. For example, in a May 2 full page ad, the cost of which by the way was deducted from their taxes, Gulf Oil Corp. states:

There is simply no way to roll back crude oil prices without rolling back crude oil production.

In other words, if Congress decides that it is in the public interest to roll back prices to levels which would return profits to producers to anywhere from $1.50 to $2 a barrel, then the major oil companies would cease exploration and withhold production, just as they have been doing.

While this is certainly one way in which prices can be determined, it certainly is not the free market way. Only oligopolists or monopolists are in the economic position to set prices and withhold supply. For, if there were a real free market, no one company or no small group of

companies would have the power to determine either prices or supply.

In conclusion, since it is unlikely that we will see the Nixon administration take affirmative antitrust action against the major oil companies and since it is also unlikely that this Congress will act to break up this anticompetitive oligopoly, the least the Senate and House can do to protect the American people from exploitation by the major oil companies is to roll back prices to the level that existed on May 15, 1973, and to require legitimate cost justification before any price increase is granted by the President.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

*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 "Petroleum Price Rollback and Control Act of 1974."

(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 is further amended by adding at the end of such section the following new subsection:

"(j)(1) No later than 30 days after the date of enactment of this subsection, the President shall exercise his authority under this Act and the Economic Stabilization Act of 1970, as amended, to stabilize the price of domestic crude petroleum as follows:

"(A) The price of domestic crude petroleum produced from any property shall be stabilized at levels not to exceed levels prevailing on May 15, 1973, in accordance with orders and regulations prescribed under the Economic Stabilization Act of 1970, as amended; except that the President shall order the price for any such petroleum to increase by the actual amount of increased costs of production occurring after May 15, 1973. Such orders shall (1) state procedures, (2) give adequate and sufficient public notice of any price exceptions, and (3) disallow any profit margins on any crude oil which is greater than the applicable such margin on May 15, 1973.

"(2) For the purposes of this subsection:

"(A) The term 'domestic crude petroleum' means crude petroleum produced in any of the several States, or the District of Columbia, or on the Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

"(B) The term 'property' means the right which arises from a lease or from a fee interest to produce domestic crude petroleum.

"(3) Regulations under this subsection—

"(A) shall apply to any sale of crude petroleum after the date of enactment of this subsection and to any sale before such date pursuant to which the buyer first obtains the right to take possession of such petroleum after such date.

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By Mr. JAVITS (by request):

S. 3584. A bill to amend titles VII and VIII of the Public Health Service Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I introduce by request, on behalf of the administration, a bill entitled the Comprehensive Health Manpower Act of 1974. I do this today so that the administration bill may have parallel consideration with the bills on the same subject I join in introducing today.

I am deeply concerned that the bill sets in motion a departure from existing law's capitation grant program. The Health Manpower Act of 1971 and the Nurse Training Act of 1971 for the first time used a "capitation" approach of providing assistance to health profession schools whereby schools were to receive institutional support based on student enrollment—as an appropriate Federal undertaking to provide a stable source of financial support for medical, dental, nursing, and other health profession schools. At the same time I am also deeply concerned because this bill—proposed by the administration—fails to confront realistically—as does our Health Profession Education Assistance Act of 1974 and the Nurse Training Act of 1974, bills I joined in developing and introduced today with Senator KENNEDY—the overriding medical manpower problems of shortages and geographic and specialty maldistribution, problems which adversely impact upon the well-being and health of millions of Americans.

I believe the administration bill translates into legislation the health manpower themes of the Office of Management and Budget but fails to meet the health needs of the American people.

I am not convinced that where there are $352,300,000 in HEW approved and unfunded construction grant applications for schools of the health professions, that we should propose the repeal of construction grant authority. Rather than encourage through Federal grants, interest subsidies and guaranteed loans the construction of desperately needed medical, dental, nursing, and other health profession schools the bill fails to continue the grant or interest subsidy authority. It merely authorizes a severely limited and redirected loan guarantee program and one which is not applicable to schools of pharmacy and public health.

Such action may be consistent with an Office of Management and Budget budgetary philosophy of zero budget requests over recent years, it is not consistent with congressional priorities. Only last fiscal year the Senate-passed appropriations bill provided $120 million for construction grant assistance.

I am not convinced we should sharply reduce capitation amounts for medical, osteopathic, and dental schools—to $1,500 per student from the currently authorized basic capitation amount of $2,850. If one reflects that the $4,000 captation award for graduates; over 3 years phase down to practically zero for schools of optometry, podiatry—$400, $300, and $200 per student for fiscal years 1975, 1976, and 1977 respectively, from the currently authorized basic capitation amount of $800—and for veterinary medicine—$900, $600, and $300 per student for fiscal years 1975, 1976, and 1977 respectively from the currently authorized basic capitation amount of $1,750; and wipe out all capitation support at schools of nursing and pharmacy. This is particularly tragic when pursuant to section 205 of the Comprehensive Health Manpower Act of 1971, Public Law 92–157, Congress has before it the recently completed costs of education in the health professions study by the Institute of Medicine of the National Academy of Science which endorses a policy that health professional schools be regarded as a national resource requiring Federal support and recommends that the Federal Government use net education expenditures as a basis for establishing rates of capitation payments to health professional schools.

If one chooses to use the capitation amount of 33⅓ percent of the average net education expenditures pursuant to such study for purposes of comparison it would provide capitation support for each student enrolled, as follows:

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|---|---|
| Medicine | $3,250 |
| Osteopathy | 2,300 |
| Dentistry | 2,450 |
| Optometry | 1,050 |
| Pharmacy | 1,000 |
| Podiatry | 1,650 |
| Veterinary Medicine | 1,850 |
| Nursing (per student equivalent): | |
| Baccalaureate | 800 |
| Associate | 550 |
| Diploma | 500 |

Experience suggests that the capitation grant program has improved the financial viability of many health profession educational institutions, for example, financial distress grants, received by one-half of the Nation's more than 100 medical schools—which necessitated Senate passage of my Emergency Medical and Dental Schools Assistance Act of 1969, (S. 3150)—has been reduced to only six medical schools receiving such support. That is a substantial drop.

Such action may be consistent with an Office of Management and Budget budgetary philosophy. It is not consistent with congressional priorities. Only last fiscal year the Senate passed appropriations bill provided $225,777,000 for capitation grant authority to schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, veterinary medicine, and nursing.

I am convinced that where there is an actual shortage of, for example, 30,000 physicians, based on the emperical data, exclusive of the Department of Health, Education, and Welfare's unconscionable reliance upon noncitizen foreign medical graduates—FMG's—to provide medical manpower, Congress should make every appropriate effort to increase our Nation's medical schools capacity to increase enrollment and train qualified Americans to become physicians. My views with respect to the FMG issue are set forth in my January 17 and April 10, 1974 letters to Secretary Weinberger. I ask unanimous consent that they be printed at this point in the RECORD, along with his response.

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

JANUARY 17, 1974.

Hon. CASPAR WEINBERGER,
*Secretary, Department of Health, Education, and Welfare, Washington, D.C.*

DEAR MR. SECRETARY: As the Committee on Labor and Public Welfare, of which I am ranking minority member, considers the development and extension of medical and other health profession student and institutional educational support legislation, I believe it would be most helpful if the Committee could have the statistical data and analyses upon which representatives of the Department of Health, Education, and Welfare have relied for their published statements to the effect that America's physician shortage will soon be eliminated.

I understand that this statement is based

upon the assumption that our country will continue to rely upon the utilization of FMG's (Foreign Medical Graduates) rather than educating and training the requisite numbers of qualified Americans to achieve the goal of eliminating the physician shortage without the "brain-drain" on countries which ought not to be submitted to it. I believe it would be contrary to our nation's ethics to follow such a procedure. I can find no reasonable intellectual or philosophical rationale for this nation to support the "brain-drain"—take desperately needed medical manpower from underdeveloped, impoverished or nations less fortunate than ours to meet our own needs for physicians.

Therefore, any evidentiary presentation of data should be explicit as to the extent the physician shortage is eliminated or reduced by the continued practice of utilizing FMG's to provide America's health care, particularly where it extends beyond the scope of educational training to enable them under appropriate conditions to become qualified physicians.

With best wishes,
Sincerely,

JACOB K. JAVITS.

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APRIL 10, 1974.

Hon. CASPAR WEINBERGER,
*Secretary, Department of Health, Education, and Welfare, Washington, D.C.*

DEAR CAP: On January 17th I wrote you requesting statistical data and analyses upon which it has been alleged that America's physician shortage will soon be eliminated.

My letter, a copy of which is enclosed, made clear that the data should be explicit as to the extent the physician shortage is relieved by utilizing Foreign Medical Graduates.

As you know, I find it almost degrading for our nation to take desperately needed medical manpower from developing nations with desperate health and economic problems to meet our nation's physician shortage. Moreover, I believe that so long as foreign medical graduates are used to alleviate our medical manpower shortage, our nation will continue to be dependent on this source and that this is improper and deplorable.

The Committee on Labor and Public Welfare, will soon be considering legislation for the extension of medical and other health profession student and institutional educational support legislation and it is urgent that we have this information which was requested more than two months ago.

With best wishes,
Sincerely,

JACOB K. JAVITS.

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THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
*Washington, D.C. April 15, 1974.*

Hon. JACOB K. JAVITS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR JAVITS: This is in further response to your letter of January 17 requesting information regarding the projected supply of physicians and, in particular, the future influx of graduates for foreign medical schools.

As you know, the current output capacity (enrollment) of health professional schools has increased significantly over the past decade (e.g., first-year places in U.S. medical schools increased by 65 percent). The rate of those entering the field is much greater than the rate of those leaving due to death or retirement and, as a result, we can expect by 1985, 50 percent more M.D.'s, 40 percent more dentists, and 60 percent more registered nurses than in 1970.

The statements we have made about supply adequacy are predicated upon the assumption that there will be a large increase in the supply of U.S. trained physicians. Our position is not necessarily dependent upon a continued reliance upon FMG's. If the increase in M.D. manpower contributed by foreign medical graduates were to fall to zero by 1975 and stay there, the total supply of M.D.'s in the United States would be about 460,000 in 1985. This compares to about 323,000 for 1970 and represents a change in the physician population ratio from 158/100,000 to 192/100,000.

We do not feel that it is realistic to assume that the influx of FMG's can be entirely eliminated unless the Congress were to do away with the exchange program and to deny access to an immigrant because he happens to be a physician. In developing physician supply projections we used rather conservative assumption regarding the flow of FMG's because we did not want to depend upon future increases and because we feel that it is entirely possible that State governments and accrediting bodies may strengthen education and licensure requirements. Our projections for 1985 indicate that the total supply of physicians will range between 495,000 and 520,000. These estimates are based upon the assumption that the net annual increase to total supply attributed to FMG's will range between 3,500 and 5,500 per year. This range represents between 50 percent and 80 percent of the number that were probably added during 1972.

In evaluating the ability to meet future requirements, it is also important to take into consideration changes that are likely to occur in provider productivity because increases in productivity can reduce aggregate requirements. Our conclusion regarding supply adequacy is based upon the assumption that increases in provider productivity will range between 0 and 2 per cent. Many people feel this is a conservative assumption. Experience with physician extenders indicates that provider productivity can be increased by as much as 50 percent. Our requirements estimates are not predicated on such large increases. Nevertheless, we feel that investments in new types of manpower are particularly efficient when one considers the very high cost of medical education.

Obviously there are many different schools of thought on the FMG issue. I personally do not believe that as a matter of policy the Federal government should deny access to an individual because he happens to be a physician. Much of our progress in the past was made possible because this country was able to provide employment opportunities for skilled individuals. The medical sector in particular has benefited from many fine practitioners and researchers that immigrated during the last two decades. I might point out that many of our Nobel prize winners in medicine are foreign medical graduates.

In your letter you stated that the United States is perpetuating a "brain-drain" from the underdeveloped countries. It is unfortunately true that some FMG's would be providing health care services to needy persons in their own countries were they not allowed in the U.S. We are trying to help underdeveloped countries deal with this problem by giving them, under our Cultural Exchange Program, the option of specifying that certain specialties represent a shortage category of manpower. This being the case, a medical exchange student who entered the U.S. after June, 1972, must generally return to his country of origin for a period of two years before he can usually apply for permanent immigration status.

Also, many FMG's would leave their home country even if we barred them from practicing here. There are many strong "push factors" that encourage an individual to leave an underdeveloped country. For example, many underdeveloped nations are unable to provide the financing or technical backup necessary for the full utilization or support of a medical practice. As a result physicians in major cities such as Bangkok and Manila are under-employed. These and numerous other factors specifically related to the socioeconomic characteristics of underdevelopment exert a strong influence over an individual's decision to emigrate. From the FMG's perspective, the industrialized world, particularly Western Europe, the United States, Australia, etc., provides an excellent opportunity for education and employment. If the U.S. were to shut its doors to FMG's, the push factors would not change and the FMG would go elsewhere.

The continued flow of FMG's into the United States has concerned authorities in the medical profession because of the possibility that the services provided by certain FMG's may be inferior relative to the services provided by American trained physicians. I am particularly concerned about this potential problem because the Department has an intrinsic responsibility to assure quality medical care to the citizens to whom the Department has provided access. FMG's should be required to meet the rigorous standards required of Americans.

We are actively considering the policy implications which surround the FMG issue. For example, various private organizations have recently recommended the development and implementation of a new qualifying examination to be required of both FMG's and USMG's for entry into graduate medical education. We are seriously evaluating this proposal and will support it if worthwhile.

Please be assured that the issues you have raised in your letter are of serious concern to us.

Sincerely,

CAP, *Secretary.*

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Mr. JAVITS. Mr. President, I am not convinced that we can overcome geographic maldistribution of health professionals by relying solely upon a strengthened scholarship program for the National Service Corps—although I commend this effort in the bill and Senator KENNEDY and I have adopted this concept, fathered by Senator MAGNUSON, as one facet of our all-out attack on the problem in our bill—and would agree with discontinuing reliance upon loan forgiveness as an irrational approach to the problem. I ask unanimous consent that the conclusions of the May 24, 1974, report to the Congress by the Comptroller General be printed in the RECORD at this point.

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

CHAPTER 7.—CONCLUSIONS, RECOMMENDATIONS, HEW COMMENTS AND OUR EVALUATION, AND MATTERS FOR CONSIDERATION BY THE CONGRESS

Although the Congress apparently initiated HPSAP as part of an overall program to increase the output of the Nation's health professions schools, it has had no significant impact on this goal.

Secondary goals apparently intended by the Congress for HPSAP were:

To improve the quality of health professions students by increasing the number of applicants,

To induce health professionals to practice in geographic areas having shortages of their skills, and

To increase the proportion of health professions graduates who come from low-income families.

HPSAP does not appear to have had a significant impact on the quality of health professions students or on their choices of locations for practice. Although the program has undoubtedly increased the ability of students from low-income families to pursue health professions careers, its impact in this area could be greatly improved.

The program was to have been directed to

students in "need" or "exceptional financial need." Ambiguities and imprecision in need determinations by the schools have resulted in a large portion of the aid going to students from middle income or upper income families who may have been able to complete medical or dental school without it. Also, the lack of coordination between the various sources of aid to health professions students—including Federal sources—has resulted in disproportionate or duplicate awards of aid to some students.

The lack of definitive criteria for distinguishing "need" from "exceptional financial need" has caused inconsistent and sometimes inequitable scholarship awards.

Statements by school officials and students suggest that HPSAP goals could be served just as well if the scholarship portion was eliminated and its funds added to the loan portion. Also, questions have been raised about the basic equity and need for subsidizing—through scholarships and interest rates lower than those available to the Government—medical and dental students because they have a very high earning potential upon graduation.

HEW needs to improve its monitoring of the schools' administration of HPSAP to insure compliance with program instructions.

RECOMMENDATIONS TO THE SECRETARY OF HEW

We recommend that the Secretary of HEW direct the Administrator of the Health Resources Administration to:

Establish uniform criteria to be used by participating schools in determining student need. Such criteria should outline the types of costs which may be considered necessary and the resources which should be considered.

Develop regulations and criteria for determining how scholarship funds are to be awarded to students.

Develop, to the extent feasible, methods for insuring the consideration and coordination of all available sources of aid, specially Federal sources, in meeting students' needs.

Establish procedures to insure that participating schools make students fully aware of loan repayment and cancellation provisions before they graduate.

Encourage participating schools to establish good internal controls, improve operating records, and develop aggressive and thorough collection procedures.

Closely monitor the operation of the program at participating schools to insure full compliance with program regulations, instructions, and guidelines.

NEW COMMENTS AND OUR EVALUATION

HEW concurred (see app. 1) with our recommendations for improving HPSAP's administration and effectiveness and agreed that HPSAP has not had a significant impact on influencing medical and dental graduates to practice in shortage areas. HEW generally disagreed with our views on the impact HPSAP has had on increasing the output of medical and dental schools and improving the quality of medical and dental students.

In commenting on our recommendations, HEW stated that:

Guidelines would be reviewed and revised to require all institutions to use definitive and uniform criteria for determining financial need and would indicate specifically what items can and cannot be considered for determining individual need.

Regulations and operating criteria would be amended to specify how scholarship funds are to be awarded and the criteria would establish the minimum level of need that will determine eligibility of students to receive loans and scholarships.

Operating procedures and guidelines would be amended to require each student recipient to make a declaration of need quarterly and to specify all financial resources.

Schools would be required to audit each student's need quarterly to document any change in the need certification and to terminate aid when need does not warrant continuation.

An attempt would be made to make student aid officers in the schools aware of all Federal funds made available to students.

Each school would be required to conduct an exit interview with each student participating in HPSAP and document that the student is aware of the loan repayment and cancellation provisions.

Regulations and guidelines would be amended and revised to mandate that schools establish and follow effective operating procedures, including fiscal and management controls, aggressive and thorough collection procedures, and the maintenance of appropriate records.

HEW stated that our report clearly documents that some schools have abused the freedom of action provided in regulations and guidelines. HEW also stated that, in addition to improving the regulations and guidelines, it will be necessary to more aggressively monitor the programs in the schools. HEW stated that it has depended too heavily on the schools to use good management procedures in administering HPSAP and that the number of personnel available to monitor HPSAP has been inadequate.

HEW also stated that (1) additional monitoring of the schools will be shared between headquarters and regional offices, (2) the collection procedures in all health professions schools will continue to be studied, (3) new guidelines will be issued to schools requiring them to safeguard all program assets and to execute all notes properly, and (4) all schools will be required to keep promissory notes and other critical documents in fire safes and locked files.

These actions, if properly implemented, will correct many of the problems identified during our review.

HEW stated that the quantity and quality of medical and dental students have increased since enactment of the HPSAP legislation and congressional objectives appear to have been met. HEW also stated that it was convinced that HPSAP had helped to attain these objectives but that it was impossible to measure the extent it has done so because it is part of a multifaceted program to increase and improve the health professions manpower pool.

We recognize that conclusive evidence supporting the impact of HPSAP on increasing the quantity and quality of students accepted by medical and dental schools since HPSAP began is not available. However, based primarily on discussions with school officials and the answers to the questionnaires that were sent to medical and dental students, it does not appear that HPSAP has been a significant factor in these increases. As stated in chapter 4, officials at the schools we reviewed attributed the increases in the number of applicants and the quality of these applicants to factors other than HPSAP. They pointed out that medicine and dentistry were enjoying great popularity because they are humanitarian professions and provide opportunity for high earnings and security.

Officials at most of the schools reviewed also believed that the demand for admissions exceeded the capacity of the schools to such an extent that HPSAP had no impact on the number of graduates the schools could produce. Faculty, classrooms, and space limited enrollment at each school. Increases in enrollment that did occur did not result from the increased applicants but from new construction or expansion of facilities—a part of the multifaceted program other than HPSAP. Most of the schools stated that full enrollment could easily be attained without HPSAP.

The schools also indicated that the number of medical and dental students that currently withdraw for financial reasons was virtually as low as before HPSAP. In addition, the vast majority of students that received HPSAP loans or scholarships in school year 1972–73 did not find out about HPSAP until after they had enrolled.

Therefore, it is our view that HPSAP has not had a significant impact on increasing the number and the quality of medical and dental graduates in the United States.

MATTERS FOR CONSIDERATION BY THE CONGRESS

The appropriation authority (Public Law 92–157) for loans and scholarships to health professions students expires June 30, 1974. Recognizing the minimal impact of HPSAP on the original congressional goals and the availability of other Federal and national aid programs for health professions students, the Congress should consider whether the goals can better be accomplished through other existing programs. These include Federal assistance in constructing teaching facilities, federally insured loans, and the Shortage Area Scholarship Program.

If the program is continued, the Congress should consider:

Whether its goals could be served as well if the scholarship funds were added to loan funds and the scholarships eliminated. This may be warranted in view of the difficulties experienced in equitable distributions of scholarship funds and the excellent potential of all medical and dental students to repay loans upon graduation.

The necessity of continuing to provide loans at interest rates lower than those available to the Government in view of the very high earning potential of medical and dental school graduates.

Whether the goal of increasing the number of health professions students from low-income families could be better served if HPSAP were directed to a specifically defined income group.

The need for providing overall coordination of the various Federal programs providing aid to health professions students.

Mr. JAVITS. Mr. President, I believe all the American people are entitled to have health care services—their tax dollar supports 50 percent of the cost of medical schools operations—and it is clear, based upon the evidence that only one avenue is available to achieve this objective—service by all graduates in designated shortage areas upon the completion of their education. As I said, their education was in great measure paid for by the American taxpayer and the taxpayers entitled—if only for a brief 2-year period—to be assured that the health professionals will be there, wherever it is, to provide health care.

I am not convinced, having carefully reviewed the testimony of all the administration witnesses during the course of the hearings of the House Subcommittee on Public Health—in regard to the administration bill I introduce on request today and other related measures—that the decision to withdraw capitation support for nursing schools is because we have overcome the serious shortage and maldistribution of nurses. My data indicates there is a shortage of 500,000 full-time practicing registered nurses.

Once again, such action was consistent with an Office of Management and Budget budgetary philosophy of zero budget requests over recent years. It is not consistent with congressional priorities. Only last year the Senate-passed appropriation bill provided $38.5 million for capitation support for schools of nursing.

Moreover, this Office of Management

and Budget philosophy was reflected as far back as 1971. At that time—when I introduced the Nursing Education Act of 1971—I expressed to the administration my grave concern about the lack of separate nurse training funding authorities and the need for a balanced program of support to nursing schools and nursing students. Even then the administration—for the same fiscal Office of Management and Budget philosophy—refused to support the nurse training philosophy expressed in my bill and cosponsored by all the Republican members of the Senate Committee on Labor and Public Welfare. Fortunately the philosophy expressed in my bill was in great measure adopted and became Public Law 92–158.

Having set forth my deep concerns about the administration bill I believe it is appropriate that I also point out some of its good features. However, I am not convinced that such standing alone—without the provisions in the bills developed and introduced today by Senator KENNEDY and I—adequately respond to our Nations health care needs.

I support the bill's national priority incentive awards provision which would seek to increase the number of health professionals who enter critical health shortage specialities by providing: First, an award to each school of medicine and osteopathy an amount equal to $2,000 for each of its graduates who enters a residency in the practice of family medicine; and second, grants to pay part of the cost of planning, developing, and operating for an initial period—not to exceed 3 years—programs of graduate or specialized education or training in family medicine, pediatrics, internal medicine, and other health care shortage fields.

Unfortunately the administration hearing testimony—previously cited—with respect to these efforts raises serious concerns about budget requests to accomplish the worthwhile objectives of this provision.

The administration's continuation and consolidation for the special project grants for health professions and the health professions health manpower education initiative awards authority is commendable.

I commend the concept of the administration bill which provides special assistance to the disadvantaged, for training in the health care field, by authorizing the payment to eligible individuals of stipends, with allowances for travel and for dependents, for post-secondary education or training required to qualify the individual for admission to a school providing health training, or to assist a person in undergoing the training. However, its limitations on assistance with respect to nursing, pharmacy, and public health administration are, I believe, inappropriate. Moreover, as previously indicated in other provisions of the bill, there are limitations on the future funding of health professions and nursing student loan funds to the amounts required to continue loans to students previously assisted from the funds, and no provision for such future assistance.

The rhetoric regarding the need for such service to overcome specialty maldistribution is clear throughout HEW's letter of transmittal of their bill. Unfortunately, the appropriate means—which I believe is called for in the bills Senator KENNEDY and I introduced today—was either not found or taken by their measure.

In conclusion, any National Health Insurance scheme is doomed to failure unless it provides the necessary support for a massive expansion of medical, dental, nursing and other health manpower.

I ask unanimous consent that the full text of the Department of Health, Education, and Welfare letter of transmittal and bill be printed in the RECORD.

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

S. 3584

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

SHORT TITLE; REFERENCES TO ACT

SECTION 1. (a) This Act may be cited as the "Comprehensive Health Manpower Act of 1974".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, part, section or other provision, the reference shall be considered to be made to a little, part, section or other provision of the Public Health Service Act.

TITLE I—LOAN GUARANTEES FOR CONSTRUCTION FOR REPLACEMENT OR REMODELING OF TEACHING FACILITIES

SEC. 101. (a) (1) Section 729 (including the caption thereof) is amended to read as follows:

"LOAN GUARANTEES

"SEC. 729. (a) To assist eligible nonprofit private entities to carry out approved projects for the construction of teaching facilities of private nonprofit schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, or podiatry, other than the construction of new buildings or the expansion of existing buildings, the Secretary may, during the period beginning July 1, 1974, and ending with the close of June 30, 1977, guarantee (in accordance with this section and subject to subsection (f)) to any non-Federal lender that makes a loan to an eligible entity, for that project, payment when due of the principal of and interest on that loan. The Secretary may make commitments, on behalf of the United States, to make those loan guarantees prior to the making of the loans."

(2) Section 729(b) is repealed. This repealer shall not be construed to impair the obligation of the Secretary to pay any amount that the Secretary has agreed to pay, under that section, with respect to any loan made under section 729 prior to the enactment of this Act.

(3) There is added after section 729(a) a new section 729(b) to read as follows:

"(b) A nonprofit private entity shall be eligible to receive a loan guaranteed under subsection (a) if the entity meets the requirements (as determined under regulations of the Secretary) of section 721, 722, and 723, insofar as they are applicable to nonprofit private entities, except that in lieu of any requirement of section 721(c) respecting the maintenance or increase of student enrollment, an application for a loan guarantee under this section shall contain or be supported by reasonable assurances that the teaching facility with regard to which the loan guarantee is obtained will maintain a first-year enrollment of full-time students after the completion of the construction, and for each of the next nine school years, that is not less than that enrollment during the fiscal year ending June 30, 1973. For purposes of the application of sections 721, 722, and 723 to this section, the term 'grant', as used in sections 721, 722, and 723 is deemed to mean 'grant by the Secretary of a loan guarantee under section 729'."

(4) Section 729(c) is amended by striking out "or interest subsidy payment" in the first and second sentence.

(5) Section 729(e) is amended (A) by striking out "interest subsidy payments authorized by this section" each time it appears and inserting in lieu thereof "interest subsidy payments for which an agreement was entered into under this section prior to its amendment by the Comprehensive Health Manpower Act of 1974"; and (B) by inserting before the period after "1974" the following: ", and for each succeeding fiscal year such sums as may be necessary to make interest subsidy payments for which an agreement was entered into under this section prior to its amendment by the Comprehensive Health Manpower Act of 1974".

(6) Section 729(f) is amended (A) by striking out "(1)" after "(f)", and (B) by striking out paragraph (2).

(b) (1) Section 809(a) (including the caption thereof) is amended to read as follows:

"LOAN GUARANTEES

"SEC. 809. (a) In order to assist nonprofit private schools of nursing to carry out construction projects for training facilities, other than the construction of new buildings or the expansion of existing buildings, the Secretary may, during the period beginning July 1, 1974, and ending with the close of June 30, 1977, guarantee (in accordance with this section and subject to subsection (f)) to non-Federal lenders making loans to such schools, for such construction projects, payment when due of the principal of and interest on any loan for that construction. The Secretary may make commitments, on behalf of the United States, to make those loan guarantees prior to the making of the loans."

(2) Section 809(b) is repealed. This repealer shall not be construed to impair the obligation of the Secretary to pay any amount that the Secretary has agreed to pay, under that section, with respect to any loan made under section 729 prior to the enactment of this Act.

(3) There is added after section 809(a) a new section 809(b) to read as follows:

"(b) A nonprofit private school of nursing shall be eligible to receive a loan guaranteed under subsection (a) if it meets the requirements (as determined under regulations of the Secretary) of sections 802, 803, and 804, insofar as they are applicable to nonprofit private schools of nursing, except that in lieu of any requirement of section 802(b) respecting the maintenance or increase of student enrollment, an application for a loan guarantee under this section shall contain or be supported by reasonable assurances that the applicant with respect to which a loan is guaranteed under this section will maintain a first-year enrollment of full-time students after the completion of the construction, and for each of the next nine school years, that is not less than that enrollment during the fiscal year ending June 30, 1973. For purposes of the application of sections 802, 803, and 804 to this section, the term 'grant', as used in sections 802, 803, and 804 is deemed to mean 'grant by the Secretary of a loan guarantee under section 809'."

(4) Section 809(c) is amended by striking out "or interest subsidy payment" in the first and second sentence.

(5) Section 809(e) is amended (A) by striking out "interest subsidy payments authorized by this section" each time it appears and inserting in lieu thereof "interest subsidy paymentss for which an agreement was entered into under this section prior to its amendment by the Comprehensive Health Manpower Act of 1974"; and (B) by inserting before the period after "1974" the fol-

lowing: ", and for each succeeding fiscal year such sums as may be necessary to make interest subsidy payments for which an agreement was entered into under this section prior to its amendment by the Comprehensive Health Manpower Act of 1974".

(6) Section 809(f) is amended (A) by striking out "(1)" after "(f)", and (B) by striking out paragraph (2).

TITLE II—CAPITATION GRANTS, START-UP ASSISTANCE, AND NATIONAL PRIORITY INCENTIVE AWARDS

CAPITATION AMENDMENTS

SEC. 201. (a) Section 770 is amended to read as follows:

"SEC. 770. (a) GRANT COMPUTATION.—The Secretary shall make annual grants to schools of medicine, osteopathy, dentistry, optometry, podiatry, and veterinary medicine for the support of the education programs of those schools. The amount of the annual grant to each school with an approved application shall be computed as follows:

"(1)(A) Each school of medicine, osteopathy, and dentistry shall receive for the fiscal year ending June 30, 1975, 1976, and 1977, $1,500, $1,250, and $1,000, respectively for such years, for each full-time student enrolled in each of those years, in the medical or dental training program of the school.

"(B) In the case of a school that conducts a training program designed to permit the student to complete, within six years after completing secondary school, the requirements for the degree of doctor of medicine, osteopathy, or dentistry the medical or dental training program of the school, within the meaning of subparagraph (A), shall be deemed to be the last three years of the school's training program.

"(2) Each school of optometry and podiatry shall receive for the fiscal year ending June 30, 1975, 1976, and 1977, $400, $300, and $200, respectively for those years, for each full-time student enrolled in the school in each of those years.

"(3) Each school of veterinary medicine shall receive for the fiscal year ending June 30, 1975, 1976, and 1977, $900, $600, and $300, respectively for those years, for each full-time student enrolled in the school in each of those years.

"(b) APPORTIONMENT OF APPROPRIATIONS.—If the total of the grants to be made under subsection (a) for any fiscal year—

"(1) to schools of medicine, osteopathy, and dentistry with approved applications exceeds the amounts appropriated under subsection (f)(1) for the grants, or

"(2) to schools of optometry, podiatry, and veterinary medicine with approved applications exceeds the amounts appropriated under subsection (f)(2) for the grants,

the amount of the grant for that fiscal year to each school under subsection (a) shall be an amount that bears the same ratio to the amount determined for the school for that fiscal year as the total of the amounts appropriated for that year under subsection (f)(1 or (f)(2), as the case may be, bears to the amount required to make grants in accordance with subsection (a) to each school referred to in clause (1) or (2), as the case may be.

"(c) MAINTENANCE OF EFFORT.—The Secretary shall not make a grant under this section to any school for a fiscal year beginning after June 30, 1974, unless the application therefor contains or is supported by reasonable assurances satisfactory to the Secretary that in the school year that ends during, or with the close of, that fiscal year, the school will maintain a first-year enrollment of full-time students that will be not less than the school's first-year full-time enrollment for the school year ending during, or with the close of, the fiscal year ending June 30, 1974. For purposes of this subsection, a student enrolled in the first year of the last three years of the training program of a school described in subsection (a)(1)(B), or a student enrolled in the first of the two years of the medical training program of a two-year school of medicine, shall be considered a first-year student.

"(d) ENROLLMENT DETERMINATIONS.—

"(1) For purposes of this part and part F, regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school, or in a particular year-class in a school, or entering residencies in the practice of family medicine, as the case may be, on the basis of estimates or on such other basis as he deems appropriate.

"(2) For purposes of this part and part F, the term 'full-time student' means a student pursuing a full-time course of study leading to a degree of doctor of medicine, doctor of osteopathy, doctor of dentistry (or its equivalent), doctor of optometry (or its equivalent), doctor of podiatry (or its equivalent), or doctor of veterinary medicine (or its equivalent).

"(e) APPLICATIONS FOR NEW SCHOOLS.—In the case of a new school of medicine, osteopathy, dentistry, optometry, podiatry, or veterinary medicine that applies for a grant under this section in the fiscal year preceding the fiscal year in which it will admit its first class, the enrollment for purposes of subsection (a) shall be the number of first-year full-time students that the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school, in the fiscal year after the fiscal year in which the grant is made.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1975, and each of the next two fiscal years for grants under this section to schools of medicine, osteopathy, and dentistry.

"(2) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1975, and each of the next two fiscal years for grants under this section to schools of optometry, podiatry, and veterinary medicine."

(b) Section 775(b) is amended by striking out "pharmacy,".

START-UP ASSISTANCE AMENDMENTS

SEC. 202. (a) Section 771(a)(1) is amended by inserting before the period at the end of the first sentence thereof the following: "; except that for any fiscal year beginning after June 30, 1974, no grant may be made under this subsection except to a new school that has received a grant under this subsection for the preceding fiscal year".

(b) Section 771(a)(6) is amended in the first sentence by inserting before the period at the end thereof the following: ", and such sums as may be necessary for each of the next three fiscal years".

NATIONAL PRIORITY INCENTIVE AWARDS

SEC. 203. (a) Sections 775 and 776 are redesignated sections 776 and 777, respectively, and there is added after section 774 the following new section:

"NATIONAL PRIORITY INCENTIVE AWARDS

"SEC. 77b. (a) FAMILY PRACTICE RESIDENCY GRANTS.—To each school of medicine and osteopathy eligible, in a fiscal year, for a grant under section 770, the Secretary shall make a grant, from the sums appropriated under section 770(f)(1) for that fiscal year, of $2,000 for each individual (i) who entered, in the preceding fiscal year, the first year of a residency in the practice of family medicine approved by the Council on Medical Education of the American Medical Association; and (ii) who, during the school year ending in that or the preceding fiscal year, received from the school a degree of doctor of medicine or doctor of osteopathy.

"(b) GRADUATE TRAINING IN SHORTAGE SPECIALTIES.—

"(1) In order to enable the Secretary to award grants to public or nonprofit private entities providing graduate or specialized education or training in the provision of health care (including education or training in systems or methods of health care delivery), there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1975, and each of the next two fiscal years.

"(2) Grants under this subsection may be awarded to an entity to plan, develop, and, as provided by paragraph (3), pay part of the cost to operate or participate in, for an initial period, a new or expanded program of education or training (accredited, certified, or approved by such professional bodies, and in such manner, as the Secretary may deem appropriate) in family medicine, pediatrics, internal medicine, or such other specialties for the delivery of health care services as the Secretary may determine to lack practitioners sufficient to serve a national need, including augmentation of stipends of individual participants in any such program who plan to specialize or work in the field in which they are to receive training under the program.

"(3) A grant under paragraph (2) for payment of part of the cost, for a fiscal year, to operate or (insofar as it may require the payment of operational costs) participate in a new or expanded program may be awarded only to an entity that has provided assurances satisfactory to the Secretary that there are sufficient non-Federal funds to pay the remainder of that cost for that fiscal year; that for each year a grant is awarded for such operation of or participation in a new or expanded program, the proportion of non-Federal funds employed in the operation of, or participation in, that program shall be increased over the preceding fiscal year; and, if the award is for the operation of a program, that there is a reasonable prospect that the program (or the program as expanded) will be continued, without Federal financial assistance, after eligibility for assistance under this subsection has terminated. The Secretary may not award grants under this subsection for defraying more than the first three years of the costs of operating or participating in any new or expanded program."

(b) Section 776 (as redesignated by this section) is amended (1) by striking out "or 773" each time it appears and inserting in lieu thereof "773, or 775(a)", and (2) by (A) striking out "and" at the end of subsection (d)(2), (B) redesignating subsection (d)(3) as subsection (d)(4), and (C) inserting a new subsection (d)(3) to read as follows:

(3) contains, in the case of an application for a grant under section 775(a), a description of the activities to be undertaken by the applicant to assist and encourage its students to enter the practice of family medicine, and a certification by the applicant that it will use its best efforts to increase the number of its students applying for residencies in, and entering the practice of, family medicine; and".

(c) Section 770, as amended by this Act, is further amended (1) by adding before ", or" at the end of subsection (b)(1) the following: "(after reduction of the amounts appropriated by the total grants to be made under section 775)"; (2) by adding at the end of subsection (b) the following new sentence: "If the total of the grants to be made under section 775 for any fiscal year to schools of medicine or osteopathy with approved applications exceeds the total of the amounts appropriated under subsection (f)(1) for the fiscal year, the amount of the grant for that fiscal year to each such school shall be reduced proportionately."; and (3) by adding "and section 775" after "this section" in subsection (f)(1).

TITLE III—SPECIAL PROJECTS, HEALTH MANPOWER EDUCATION INITIATIVE AWARDS, AND FINANCIAL DISTRESS GRANTS

CONSOLIDATION OF SPECIAL PROJECT AUTHORITIES

SEC. 301. (a)(1) Section 772(a) is amended in the matter preceding clause (1) by striking out "and podiatry" and inserting in lieu thereof "podiatry, nursing, and public health, and any training center for allied health professions".

(2) Section 772(a) is further amended (A) by striking out "on" at the end of clause (13); (B) by striking out the period at the end of clause (14) and inserting "; or" in lieu thereof; and (C) by adding after clause (14) the following new clauses:

"(15) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(B) other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs; or

"(16) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession."

(3) Section 772(a)(3) is amended by inserting "nurse practitioners," before "physicians' assistants".

(4) Sections 772(a)(4) and 772(a)(5) are amended by striking out "in such health professions" and inserting in lieu thereof "or training in health care".

(5) Section 772(a)(6) is amended by striking out "in such health professions".

(6) Section 772(a)(8) is amended by striking out "and podiatry of," and inserting in lieu thereof "podiatry, nursing, and public health, and any training center for allied health professions of,".

(7) Section 772(a)(9) is amended by inserting "or training centers" after "such schools".

(b) Section 724 is amended by adding at the end thereof the following new paragraphs:

"(7) The term 'school of nursing' means a school of nursing as defined by section 843.

"(8) The term 'training center for allied health professions' means a training center for allied health professions as defined by section 795."

CONSOLIDATION OF SPECIAL PROJECT AND EDUCATION INITIATIVE AWARD APPROPRIATIONS AUTHORIZATIONS

SEC. 302. (a) Section 777 (as redesignated by section 203 of this Act) is redesignated section 778, and there is added after section 776 a new section to read as follows:

"APPROPRIATIONS AUTHORIZED FOR SECTIONS 772 AND 774

"SEC. 777. There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1975, and each of the next two fiscal years for the purpose of making payments under sections 772 and 774."

(b) Sections 772 (d) and (774(e) are repealed.

EXTENSION OF FINANCIAL DISTRESS GRANT PROGRAM; INELIGIBILITY OF SCHOOLS OF PHARMACY; AMOUNT OF GRANT; TECHNICAL ASSISTANCE

SEC. 303. (a) Section 773(a) is amended (1) by striking out "and" before "$10,000,000", and (2) by inserting "and such sums as may be necessary for each of the next three fiscal years," after "1974,".

(b) Sections 773(b) and 773(d) are amended by striking out "pharmacy,".

(c) Section 773(b) is further amended by adding at the end thereof the following new sentence: "In the case of a school that has received a grant in the immediately preceding fiscal year, the sums of amounts granted to that school under this section for any fiscal year may not exceed 75 per centum of the sum of amounts granted to that school under this section for that immediately preceding fiscal year."

(d) Section 773(c) is amended by adding at the end thereof the following new sentence: "The Secretary may provide, to any school of medicine, osteopathy, dentistry, optometry, podiatry, or veterinary medicine which is in serious financial straits to meet its costs of operation or which has a special need for financial assistance to meet accreditation requirements, technical assistance to enable the school to conduct a comprehensive cost analysis study of its operations, to identify operational inefficiencies, or to develop or carry out appropriate operational or financial reforms."

TITLE IV—STUDENT ASSISTANCE

PREADMISSION AND FOLLOWUP ASSISTANCE TO THE DISADVANTAGED

SEC. 401. Section 774(b) is amended—

(1) in clause (2)(A) by inserting after "assisting them" the following "(including the payment to them of such pertinent stipends, with allowances for travel and for dependents, as the Secretary deems appropriate)"; and

(2) by striking out the matter following clause (2)(C).

SCHOLARSHIPS FOR SERVICE

SEC. 402. (a) Section 225(a) is amended by striking out "other units of the Service" and inserting in lieu thereof "such other uniformed or civilian Federal health service as the Secretary may determine is appropriate, and to promote the more adequate provision of medical care for persons who reside in areas determined by the Secretary, under section 329(b)(1), to have critical health manpower shortages".

(b) Section 225(b)(4) is amended to read as follows:

"(4) agree in writing to serve, as prescribed by subsection (e) of this section, (A) as a civilian member of the National Health Service Corps or in such other uniformed or civilian Federal health service as the Secretary may determine is appropriate; or (B) in an area determined by the Secretary, under section 329(b)(1), to have a critical health manpower shortage".

(c) Section 225(b)(3) is amended to read as follows:

"(3) except in the case of an applicant who enters into an agreement under clause (4)(B), be selected for civilian service in the National Health Service Corps or in such other uniformed or civilian Federal health service as the Secretary may determine is appropriate; and".

(d) Section 225(e) is amended (1) by amending the first clause of the first sentence to read "In accordance with his agreement under subsection (b)(4), a person participating in the program shall be obligated following completion of academic training to serve as a civilian member of the National Health Service Corps or in such other uniformed or civilian Federal health service as the Secretary may determine is appropriate, or in an area determined by the Secretary, under section 329(b)(1), to have a critical health manpower shortage,"; (2) by striking out the second sentence; and (3) by amending the last sentence by inserting "Federal health" before the word "facility", by placing a period after the word "facility", and by striking out "of the Service or other facility of the National Health Service Corps."

(e) Section 225(f)(1) is amended by striking out "an active duty service obligation" and inserting "a service obligation" in lieu thereof.

(f) Section 225(1) is amended to read as follows:

"(1) There are authorized to be appropriated such sums as may be necessary to carry out the program."

FEDERAL CAPITAL CONTRIBUTIONS TO STUDENT LOAN FUNDS; DIRECT LOAN INTEREST RATE MADE EQUIVALENT TO INSURED LOAN INTEREST RATE; AND CLARIFYING CHANGE

SEC. 403. (a) Sections 743, 794D(e), and 826 are each amended by striking out "1977" each time it appears and inserting in lieu thereof "1980".

(b) Sections 741(e), 794D(b)(2)(E), 823(b)(5) are each amended by striking out "3 per centum" and inserting "7 per centum" in lieu thereof.

(c) Section 741(f)(1) is amended by adding at the end thereof the following sentence: "In the case of any individual who, on or after November 18, 1971, meets the requirements of subparagraphs (A) and (B) and who practices his profession as described by subparagraph (C) by virtue of his employment as a member of the National Health Service Corps, the individual shall be deemed to have entered into the agreement required by subparagraph (C) with respect to that practice."

TITLE V—EFFECTIVE DATE

SEC. 501. This Act is effective with respect to appropriations for fiscal years beginning after June 30, 1974, except for section 403(c) which is deemed to have become effective on November 18, 1971.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
*Washington, D.C., May 20, 1974.*

HON. GERALD FORD,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: There is enclosed for the consideration of the Congress a draft bill "To amend titles VII and VIII of the Public Health Service Act, and for other purposes." The bill, when enacted, would be cited as the "Comprehensive Health Manpower Act of 1974".

The draft bill is intended to translate into legislation the health manpower themes of the President's budget for fiscal year 1975.

"Measures undertaken since 1969 have assured a major increase in the number of graduates of U.S. health professions schools. Since 1965, first-year medical school enrollments have grown from 8,854 to 13,726, a 55% increase. As in other fields of higher education, emphasis will be placed on aiding students rather than institutions, and on reducing unnecessary Federal subsidies. Students in the health professions, who can anticipate high earnings, generally are able to finance a greater share of their educational costs. Federally guaranteed private loans are available, and proposed legislation will increase their usefulness to students in the health professions by raising ceilings on loans. In addition, legislation has been requested for a scholarship program which will both assist students and help meet Federal requirements for health professionals. Scholarships will be provided in return for a commitment to a period of public service. A new program of fellowships will provide postgraduate research training support. General purpose support to institutions will be phased out gradually as Federal assistance shifts toward providing financial assistance to individual students. In 1975, Federal outlays for training health manpower are estimated at $796 million." (At pp. 119–120.)

CONSTRUCTION OF HEALTH TEACHING FACILITIES

Projections of the current volume of health professions graduates against expected population increases persuade us that existing facilities, if maintained, are sufficient to meet foreseeable future need. For example, in 1970 there were some 323,200 practicing physicians in the United States, or 159 physicians per 100,000 population. If the number of first-year training places existing at the end of 1972 are maintained without change through 1990, and we may assume a constant net addition of foreign

medical graduates approximating the net increment during the mid-1960's, about 3,800 a year, the number of practicing physicians in the United States will grow to at least 435,000 in 1980—about 192 per 100,000 population, and 554,000 in 1990, or about 221 per 100,000.

If there is sufficient public and private support to allow for a post-1978 growth in output capacity of 1.3 percent for medical schools and 0.6 percent for osteopathic schools, and a net addition of 5,200 foreign medical graduates per year (a level approximating recent levels) we would estimate the number of physicians in 1990 per 100,000 population to arrive at 237. We are aware of no studies that suggest that a projected increase of this size—almost 40 percent, and probably nearly 50 percent, more physicians per 100,000 population within sixteen years—would be insufficient, if apparently distributed geographically and by specialty (concerns addressed by aspects of our proposal discussed below) to meet prospective national requirements for medical care.

Accordingly, the draft bill would change the focus of the current health professions teaching facilities, and nurse training facilities, construction programs. Rather than continuing to encourage, through the making of Federal grants, the multiplication of teaching facilities, we would instead concentrate resources on encouraging existing facilities to maintain and improve their adequacy.

The bill would accomplish this (1) by allowing the expiration of the construction grant programs of part B of title VII of the Public Health Service Act and of title VIII; and (2) by amending the provisions that now make Federal guarantees available for loans for the construction of health professions and nursing teaching facilities, to instead provide assistance limited to the replacement or remodeling of facilities. Loan guarantees for the construction of new buildings (except as replacements for old buildings) or the expansion of existing buildings, would no longer be available. In addition, consistent with the philosophy expressed in the President's budget of aiding students rather than institutions, we would no longer offer to subsidize interest payments on new guaranteed loans under the program.

Loan guarantees would no longer be available under the program for schools of pharmacy and public health, because the replacement or remodeling of these facilities does not serve a significant national need. The draft bill also omits the long unfunded authorization for appropriations for the construction of health research facilities.

CAPITATION AWARDS

In the Comprehensive Health Manpower Training Act of 1971, the establishment of a capitation grant program reflected a judgment by both the Congress and the Administration that "first dollar" funding of health manpower education was an appropriate and needed mechanism of Federal support. Experience to date suggests that the capitation grant program has achieved certain of its original objectives, in that the financial viability of many of these educational institutions has improved, and in that some portion of the enrollment increases experienced would probably not have come about in the absence of the expansion requirements in the capitation grant law.

Despite these positive aspects, which the Administration recognizes, an analysis of the capitation program and consideration of future trends reveal serious flaws in the capitation grant concept. These defects call into question the appropriateness and desirability of the capitation mechanism as the Federal Government's primary tool for the support of health manpower education. Chief among the deficiencies are that the capitation program:

Due to its inherently rigid allocation formula, resulted in comparative windfalls for certain schools and shortfalls for other schools—that is to say, the funds were not targeted based on an assessment of need for such support;

The incremental enrollment increases that may have resulted from the program proved to be very costly;

The amounts authorized and appropriated for the program were arbitrary and unrelated to any concept of actual educational costs;

The costs of this program would only be expected to continue to increase, with the schools and the students becoming increasingly and undesirably dependent upon the continued flow of Federal subsidies for the health manpower educational process; and

Reasonable alternative sources of funding support for the health education process are available in lieu of Federal across-the-board, formula-type institutional subsidies.

In this regard, we would emphasize that capitation support must be viewed, at least in part, as a means of subsidizing health professions students indirectly through institutions. In conjunction with other assistance to health professions schools, Federal capitation grants enable a student to pay a tuition that commonly defrays less than 30 percent of a school's costs of training him. Nevertheless, health professionals, particularly physicians and dentists, have high earnings. The annual rate of return on the total costs of a basic medical and dental education has been estimated to be over 20 percent, a rate that is two to three times the rate of return for graduate education generally.

In view of these earnings, health professions students can and should be called upon to pick up a larger share of their educational costs. The Federal Government should not call upon the general public, through tax revenues, to subsidize the training of individuals who are themselves able to bear the real costs of their training and who, because of that training, will quickly recoup those costs from members of the public in the form of compensation for their professional services.

Accordingly, we propose to extend capitation for most health professions schools for an additional three years, but modified as follows:

1. The statutory capitation amounts for schools of medicine, osteopathy, and dentistry, now $2,500 for each student in each of the first three years of training and $4,000 for each student in a graduating class, would be set at $1,500 per enrolled student (without regard to year-class) for fiscal year 1975, $1,250 per student for fiscal year 1976, and $1,000 per student for fiscal year 1977. This compares to an average actual capitation level, under the 1974 appropriation for this activity, of about $2,000 per student.

2. Schools of veterinary medicine, for which capitation is now set at $1,750, would be set at $900, $600, and $300, for the fiscal years 1975, 1976, and 1977, respectively. Again, this compares with the actual 1974 appropriations level of about $1,325 per student.

3. Schools of optometry and podiatry, for which capitation is now set at $800 per student, would be set at $400, $300, and $200, for fiscal years 1975, 1976, and 1977, respectively. The actual 1974 appropriation for these disciplines averaged about $625 per student.

4. Because the draft bill would not impose any enrollment increase requirements on the school (merely requiring that the schools maintain their 1974 level of first-year enrollment), the capitation for "enrollment bonus students" (*i.e.*, students in year-classes meeting certain enrollment increase requirements) would be dropped.

5. Capitation of undergraduate training—*i.e.*, the training provided by schools of pharmacy and nursing—as well as general assistance, under section 309(c) of the Public Health Service Act, to schools of public health, would be allowed to expire.

6. The current program of grants for small medical, osteopathic, and dental schools—essentially a one-time bonus of $50,000—and the capitation for three-year schools of medicine ($2,500 for each student enrolled in a fiscal year, plus $6,000 for each student graduating in that year) would be repealed.

STARTUP ASSISTANCE

The current program of start-up assistance would be phased out by limiting it to schools that have received a start-up grant for fiscal year 1974.

NATIONAL PRIORITY INCENTIVE AWARDS

The draft bill would establish a new program of National Priority Incentive Awards to increase the number of health professionals who enter critical health shortage specialties. The program would have two principal features:

1. It would award to each school of medicine and osteopathy an amount equal to $2,000 for each of its graduates who enters a residency in the practice of family medicine. As a condition of receiving this award, a school would be required to use its best efforts to increase the number of its graduates who enter such practice.

2. It would award grants to pay part of the cost of planning, developing, and operating for an initial period (not to exceed three years), programs of graduate or specialized education or training in family medicine, pediatrics, internal medicine, and other health care shortage fields. The grants could include amounts intended to augment the compensation otherwise payable to an individual in consideration of his participation in a program.

CONSOLIDATION OF SPECIAL PROJECT AUTHORITIES

The existing health manpower special projects authority would be amended in order to embrace assistance now authorized under comparable special project authority contained in the nursing, allied health, and public health professions portions of the Public Health Service Act. Those latter authorities would be allowed to expire.

CONSOLIDATION OF SPECIAL PROJECT AND HMEIA APPROPRIATIONS AUTHORIZATIONS

The authorizations of appropriations for the special project grants for the health professions and the health professions Health Manpower Education Initiative Awards would be consolidated in a single provision. That provision would extend both programs for three years.

FINANCIAL DISTRESS

The health professions financial distress grant program would be extended for three years, but would be amended to terminate the eligibility for financial distress grants of schools of pharmacy. The bill would also limit the financial distress grant to any school for a fiscal year to 75 percent of the financial distress grant awarded for the preceding fiscal year. This limitation is intended to make clear that amounts awarded under the financial distress provisions of the law are not intended as an increase of the general educational support that a school receives under the previously-described capitation provisions, but are truly amounts awarded on a short-term basis to meet an extreme and unusual exigency.

PRE-ADMISSION AND FOLLOW-UP ASSISTANCE TO THE DISADVANTAGED

The draft bill would amend the existing program of special assistance to the disadvantaged, for training in the health care field, by authorizing the payment to eligible individuals of stipends, with allowances for travel and for dependents, for post-secondary education or training required to qualify the individual for admission to a school providing health training, or to assist a person in undergoing that training.

The Department proposes to administer this authority as follows:

1. It would restrict the assistance to study in preparation for, or leading to, a first professional degree in the health care field. That is, stipends would not be provided in connection with training, such as in nursing or pharmacy, at the undergraduate level.

2. It would limit assistance to fields that prepare the individual to provide health care. Stipends would not be provided, for example, for the study of public health administration.

3. As previously discussed, persons who enter most health care fields enjoy a high income potential. As their professional education progresses they are increasingly able to command loans for the completion of their education. Indeed, to facilitate the availability of these loans the Administration has recently proposed a substantial increase in the cumulative total of educational loans that such students may carry under the student loan insurance program established by title IV–B of the Higher Education Act of 1965. Accordingly, stipends awarded for professional study (as distinct from preadmission assistance) under the amended health professions program of special assistance to the disadvantaged will be limited to the first year of training.

SCHOLARSHIPS FOR SERVICE

We believe that the Public Health and National Health Service Corps Scholarship Training Program offers the potential not only of assuring an adequate future supply of health professionals to meet essential Federal health care delivery responsibilities, but also of truly opening the door to a health professions education to sizable numbers of deserving students. For these reasons, the President's 1975 Budget contemplates not only full funding for this Program, but a substantial expansion of the Program beyond its present $3 million authorization level, for a total of $22.5 million in 1975.

Funding of the Program at that level would provide full support for in excess of 2,000 health professions students, and would accompany the phasing out of the traditional scholarship programs operated by the Bureau of Health Resources Development in the Health Resources Administration. The basic philosophy reflected in this disposition of resources is that the public is ordinarily entitled to public services, or service meeting a public need, from those individuals who are beneficiaries of special scholarship assistance while receiving their health professions degrees. The traditional scholarship programs—which do not require such service—are inconsistent with that principle.

We propose to broaden and strengthen the program, consistent with these views, as follows:

1. We would extend the Program indefinitely, and authorize appropriations for it of such sums as may be necessary.

2. We would provide the Secretary with clear and unambiguous authority to assign participants in the Program to *any* civilian or uniformed Federal health service. The National Health Service Corps and other health service delivery programs of this Department would doubtless be the primary users of the Program participants, and perhaps in the short run would be the sole users. At some future time, however, the Secretary might determine that certain of the participants could more appropriately serve elsewhere in the Department, or even in other Federal agencies (*e.g.*, the Veterans' Administration) or State or local governmental units. It would be preferable to not have to appoint individuals to the Commissioned Corps of the Public Health Service in order to do this, but rather to be able to assign them directly to other health service duties.

3. Finally, we believe there should be room within the Program to assist individuals who wish to remain in the private sector, but who are prepared to practice a health profession in a geographic area of critical health manpower shortage. These individuals would not be employed by the Federal Government but would undertake to serve in shortage areas, as determined by the Secretary, for the same period of service to which other individuals assisted under the Program are obligated to serve the Federal Government; that is, one year of service for each year of scholarship assistance.

HEALTH PROFESSIONS AND NURSING STUDENT LOAN PROGRAMS

The draft bill would also limit further Federal capital contributions to health professions and nursing student loan funds to the amounts required to continue loans to students previously assisted from the funds. However, the funds would remain available, for the next three years, for the schools to make new student loans from amounts revolving back into the student loan funds; and for continuation loans.

The bill would also raise the interest rate on these loans from three to seven percent (the same maximum rate of interest now prescribed under the student loan insurance program contained in the Higher Education Act of 1965).

We believe that enactment of this legislation would be an important step toward assuring an adequate future supply of health professionals, both for meeting the general needs of the public and meeting essential Federal health care responsibilities. It would remedy the problem of unnecessary public subsidization of the education of individuals preparing to enter highly paid health care occupations. Nevertheless, it would significantly improve the possibility of a health professions education for large numbers of students. We urge the Congress to give the measure its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

CASPAR W. WEINBERGER,
*Secretary.*

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By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. MAGNUSON, Mr. RANDOLPH, Mr. PELL, Mr. HATHAWAY, and Mr. CLARK):

S. 3585. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes; and

S. 3586. A bill to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training. Referred to the Committee on Labor and Public Welfare.

HEALTH MANPOWER BILLS

Mr. KENNEDY. Mr. President, today I have the pleasure of introducing two far-reaching health manpower proposals—the Health Professions Educational Assistance Act of 1974 and the Nurse Training Act of 1974. I am delighted that these two bills are cosponsored by my friends and colleagues Senators JAVITS, MAGNUSON, RANDOLPH, PELL, HATHAWAY, and CLARK. Their suggestions and assistance have been instrumental in shaping the legislation.

Mr. President, I ask unanimous consent that the complete text of these two bills be printed in the RECORD at the conclusion of my remarks. Estimated that the country had a national shortage of 50,000 physicians, and predicted that shortages would continue until at least 1975 or later. Hansen, in a study published in Inquiry in 1970, analyzed six major physician manpower projections made between 1959 and 1967. He showed that the six projections for 1975 ranged from a surplus of 21,700 physicians to a deficit of 65,000.

Last month during hearings before the House Interstate and Foreign Commerce Committee, Dr. Charles C. Edwards, Assistant Secretary for Health, estimated that by 1980 the Nation's supply of physician manpower would be adequate to meet projected requirements. He also indicated that if increases in enrollments in health professions schools over the past 5 years continue unabated, we might even have a surplus.

As one can see, experts have analyzed the scope of health manpower shortages for years, and have not always agreed. Although few agree on statistics, almost everyone concerned agrees that the Nation is experiencing real health manpower problems—problems which have existed for decades, which will demand difficult and innovative solutions and which, if not solved, are likely to have considerable adverse impact on any national health insurance program enacted.

For the past 30 years experts have outlined the health manpower problem in terms of aggregate supply. Reliable data were not available on which to base an accurate judgment regarding health manpower needs in terms of populations served, demands for care, and the availability and accessibility of health services. If one focuses on health manpower shortages in terms of the availability of health care to various segments of the populations, then the reality of the problems becomes readily apparent and can be summed up as follows:

First. Physicians are geographically maldistributed nationwide;

Second. We have too many physician specialists and not enough primary care physicians; and

Third. As a nation, we are increasingly relying on the graduates of foreign medical schools to provide our health care and the variable and differential ways in which foreign medical graduates are licensed has produced a dual class system of health care in the Nation.

Mr. President, there has been a constant evolutionary expansion in the support the Federal Government has made available to the schools which educate the Nation's health manpower. At the conclusion of my remarks, I ask unanimous consent that there be included in the RECORD a full historical description of the scope and nature of Federal support for health manpower.

Now, Mr. President, the time has come to take the next logical and inevitable steps to deal with a set of manpower problems which continue to undermine the health of the American people. Specifically, I am referring to the problems of geographic maldistribution of health professionals, specialty and subspecialty maldistribution of physicians, and the Nation's growing reliance upon foreign medical graduates who are too frequently

licensed to practice their profession when they are not adequately qualified.

Mr. President, with the ever-increasing contribution that taxpayers are called upon to make to continue to support this Nation's health professions schools, the public has a right to expect that these schools will do all that they can to alleviate these problems. The bill I am introducing today will give them the tools to do that job.

Mr. President, I reject the notion that this Nation magically has enough health professionals, though it may have enough of certain kinds of health professionals. Given the administration's track record of performance since the enactment of the 1971 Health Manpower Act, I cannot accept the notion that the time has come for the Federal Government to phase out its support for these institutions and their students. Such a policy, especially on the eve of the enactment of national health insurance, is irresponsible.

I also reject the notion that the Nation's health professional schools, which appropriately consider themselves a national resource have made their best effort in dealing with the problems of maldistribution, postgraduate physician training, and reliance upon foreign medical graduates. The fact of the matter is that a special project grant here or there will no longer suffice. Equally irrelevant is an agreement to study the problem. There is a wealth of well-documented studies which demonstrate the nature and magnitude of these problems and which, I believe, make it evident that these problems must be dealt with by the National Government in cooperation with the Nation's educational institutions, health professional associations, and State licensing bodies.

Finally, Mr. President, I reject the notion that the Congress must make "an either/or choice" between essentially unfettered institutional support and no institutional support whatsoever. I hope that those whose advice and counsel has been so valuable to my committee in the past will not attempt to force the committee to make such a choice.

This is because the bill that I am introducing today charts a middle course by continuing institutional support as the principal mechanism toward achieving financial stability along with a series of programs and requirements which will go a long way toward the alleviation of these health manpower problems which affect the entire Nation.

Hearings have been scheduled on this legislation and related matters for June 24, 25, and 26, 1974. In addition, I understand that my friend and colleague, Senator RANDOLPH, will chair a day of Health Subcommittee hearings on S. 667, the Radiation Health and Safety Act of 1973, which he has authored. Persons interested in testifying before the subcommittee should contact Mr. Lee Goldman, subcommittee staff director, at 225–7675.

Before going on now, Mr. President, to describe my bill in greater detail, I simply want to make it clear that I intend to expedite the passage of this legislation and its companion bill, the Nurse Training Act of 1974. I expect this legislation to be considered in the Senate in July.

GEOGRAPHIC MALDISTRIBUTION

Mr. President, physicians are disproportionately located in the Northwestern and Western regions of the Nation. These regions have per capita ratios of active physicians which are significantly above those in the South and North Central States.

For every 100,000 persons in South Dakota, there are only 71 physicians providing patient care. In other words, each physician in South Dakota serves nearly 1,200 people. There are 75 physicians per 100,000 in Mississippi, or 1,340 persons for each active physician. In contrast, the ratio for New York State is 198 physicians per 100,000 population, or only 500 persons per physician. California has a rate of 166 per 100,000, or 1 physician per every 600 persons. Each of those ratios reflects a significant deviation from the national average of 128 physicians in patient care per 100,000 population, or 1 physician for every 781 persons. More important, however, the geographical pattern indicated by these ratios reflects the continued movement of physicians to States and regions which have large urban populations. In a recent study by de Vise, the changing supply of physicians in California, Illinois, New York, and Ohio, the author put it this way:

> Doctors can exercise considerable latitude when choosing a location because they operate in a seller's market. In addition to a penchant for large and affluent communities, doctors show a preference for regions with a reputation for good climate and cultural amenities. Attractions of this nature explain why New York City, New England, and the west coast have physicians population ratios two to three times higher than those or less well-endowed regions.

The study also indicates that doctors are more readily attracted to certain urban regions in particular. In other words, physicians are more likely to practice in large urban areas on the west coast and in New York.

In the 300 metropolitan areas across the Nation, the physician-population ratio is more than twice that of nonmetropolitan areas. The metropolitan areas contain 73 percent of the population, 74 percent of the hospital beds, 86 percent of the doctors, and 93 percent of all hospital-based physicians. In 1972, the ratio of physicians per 1,000 population in metropolitan areas was 1.84, more than twice the 0.82 ratio for nonmetropolitan areas.

During the past 12 years, the gap between the physician supply in metropolitan communities and nonmetropolitan communities has widened. Between 1960 and 1972, the physician-population ratio grew by 30 percent in metropolitan areas, but by only 9 percent in nonmetropolitan areas.

Physicians are not only maldistributed between urban and rural regions, States, and areas. The maldistribution exists between innercity and suburban areas as well. Dewey, in his recent study of the Chicago metropolitan area, where the doctors have gone, clearly shows the growing trend of physicians to locate in suburban areas. Between 1950 and 1970, the city of Chicago lost over 2,000 private practitioners—a 35-percent decrease. The suburbs meanwhile, gained nearly 1,900 doctors—an increase of over 130 percent. In 1950, 4 out of 5 doctors' offices in the Chicago SMSA were located in the city. By 1970, that ratio had fallen to 1 out of 2.

SPECIALTY MALDISTRIBUTION

In addition to geographic maldistribution, physicians are maldistributed by specialty. During the past two decades, the proportion of physicians who practice medical and surgical specialties has increased rapidly. In 1949, 50 percent of the Nation's physicians were in general practice. In 1970, that percentage had decreased to 21.8. Correspondingly, physicians in medical specialties increased from 11.2 percent in 1949 to 25.3 in 1970. During that same period, the percentage of physicians in surgical specialties increased from 17.1 percent to 27.2 percent.

Between 1964 and 1967, the pool of potential family physicians decreased from 56.8 to 53.2 per 100,000 population. Between 1968 and 1972, the number of physicians in general practice continued to decrease by 8 percent, 43 States showed a decrease in the number of family practitioners. Alaska lost 15 percent of its family physicians during this period. Rhode Island lost 16 percent. Only seven States enjoyed an increase in the number of physicians in general practice during these years.

In a recent study concerning the need for primary care physicians, Schonfeld and others estimate that the Nation requires 133 primary care physicians per 100,000 population. However, the Nation has only about half that many. The authors put it this way:

> . . . It appears that primary medical care of good quality requires the services of about 133 physicians per 100,000 persons of all ages in the population . . .
>
> It is now evident that the number of physicians estimated to have been available to furnish primary medical care has been about one-half the number required to furnish medical care according to physicians' standards on the content of good care. Obviously, with a shortage of this magnitude in the supply of physicians for primary care not all who require such care can receive it. What now occurs is that some people receive no primary care, some receive only part of the needed care, and only some fraction of the population receives all necessary primary care indicated by current clinical standards and judgments."

While the proportion of physicians in general practice has steadily declined in past years, the proportion of surgical specialists has steadily increased. Stevens put it this way in her study, "Trends in Medical Specialization in the United States":

> In 1931 only 10 percent of physicians practiced in fields characterized as surgical specialties . . . the proportion had risen to 26 percent in 1960, to over 30 percent in 1968. In short, nearly one out of every three physicians in the United States is in a field which involves surgery: A number of general practitioners are doing some surgery as well. This increase promises, moreover, to continue. Of all American graduates in first year resident and fellowship programs in 1968, over 40 percent were in surgical specialties.

Bunker in his study of surgical manpower indicated that the number of surgeons in the United States has a direct effect on the number of surgical operations performed. He found that propor-

tionately there are more than twice as many surgeons in the United States as in England and Wales, and proportionately more operations are performed in acute, short-stay U.S. hospitals than in England and Wales.

Specialists, more so than family physicians, are unevenly distributed geographically. Despite nationwide decreases in the number of physicians in general practice, these physicians tend to be more evenly distributed throughout the United States. This is not the case for specialists, however.

In Alaska, for example, there is approximately 1 internist for every 15,903 persons. In California, the ratio is 1 per 3,566. Mississippi has 1 general surgeon for every 10,710 population. New York has 1 per 4,856. South Dakota has 1 pediatrician per 39,192 population. Rhode Island has 1 per 9,791. Wyoming has 1 ob-gyn specialist for every 23,744 persons. Masssachusetts has 1 for every 10,878 persons.

FOREIGN MEDICAL GRADUATES

The problems of geographic and specialty maldistribution are seriously aggravated by the Nation's continued and increasing reliance on graduates of foreign medical schools, or FMG's. In 1972, one-fifth of all active physicians in the United States were FMG's. More than one-third of all interns, residents, and other physician trainees in hospitals were fmg's. No less than 46 percent—almost half—of physicians newly licensed to practice in 1972 were foreign medical graduates.

Between 1962 and 1972, almost 89,000 fmg's were admitted to the United States. During that same period, U.S. medical schools graduated about 87,000 medical students—some 2,000 fewer than the number of FMG's admitted. The number of FMG's admitted annually to the United States with immigrant status grew remarkably between 1962 and 1972—from 1,297 to 7,143. In 1962, U.S. medical schools graduated 24 percent more physicians than were admitted from foreign nations. Ten years later, 20 percent more foreign physicians were entering the United States than were graduated from U.S. medical schools.

One of the most serious related problems is the large number of unlicensed FMG's practicing in State hospitals. Torrey and Taylor clearly point this out in their recent article in the American Journal of Psychiatry.

One of the largest groups of foreign-trained doctors in American psychiatry rarely shows up on official statistics. These are the unlicensed doctors who practice in State hospitals using temporary permits issued by a State and valid only for State institutions. All but seven States have loopholes in their licensing laws that allow such temporary licensing. The permits are renewable yearly for an unlimited number of years. In New York and Ohio, 40 percent of the physicians in the State mental hospitals are unlicensed. In West Virginia, it is over 90 percent. If 40 percent is a representative average for the United States, there would be approximately 3,100 unlicensed foreign doctors staffing the State mental facilities in this country. One AMA spokesman estimated that the number is more like 7,500.

The number of FMG's entering the United States each year is growing, not leveling or tapering off. Some experts estimate that in the near future FMG's will constitute approximately one-third of all physicians practicing in the United States. This is an intolerable situation which must be considered carefully. As all of us are aware, less than half the number of individuals applying to U.S. medical schools are accepted for enrollment.

In the 1972–73 academic year, only 38 percent of those applying were admitted. Increasing numbers of U.S. citizens rejected by U.S. medical schools are turning to foreign medical schools. An estimated 6,000 U.S. citizens are now studying medicine abroad.

In order to be accepted into U.S. residency training programs, an FMG must successfully complete examinations administered by the educational council for foreign medical graduates. These screening examinations are offered abroad and in the United States. Each year, for the past 3 years, more than 30,000 FMG's have taken the ECFMG examination. Evaluations of the test results show that, initially, three out of five candidates do not receive a passing score. Many take the exam more than once before passing. Statistics show that FMG's from more developed countries—such as the United Kingdom, Australia, and Sweden—do far better than those candidates from less developed countries—such as India, Iran, and the Philippines. Candidates from the United Kingdom had a pass rate of 94 percent on the ECFMG exam in 1972. Candidates from Iran had a pass rate of 25 percent. As most of you know, the greatest number of FMG's in the United States graduated from medical schools in Iran, the Philippines, and India. For example, one out of four Thai physicians is now in the United States.

All States require physicians to complete medical school and pass a certifying examination in order to be licensed. In the absence of a single, nationwide examination, two major licensing examinations are given. One is the certifying examination of the National Board of Medical Examiners. The other is the examination developed by the Federation of State Medical Boards, known as the FLEX examination.

Currently, all but three State medical boards accept successful completion of parts I, II, and III of the national boards as a prerequisite for licensure. All but two States in 1973 used the FLEX exam as their own State licensing examination.

The vast majority of U.S. medical graduates takes the national boards. Most FMG's take the FLEX examination. Studies indicate that between 1968 and 1972, 50 percent of the FMG's taking the FLEX exam failed. The U.S. medical graduate failure rate was much smaller—about 15 percent or less. According to Lowin and Cohodes, in their recent study of FMG's in the United States:

The 50 percent failure rate for FMG's on the FLEX examination is perhaps even more disturbing than the 60 percent failure rate on the ECFMG exam, since most of those taking the FLEX have (1) passed the ECFMG and (2) have then received between one and three years of residency training in the States. These data suggest that the ECFMG exam has little validity, and that years of graduate training here are not sufficient to overcome the earlier handicaps of poor undergraduate medical education and cultural differences.

The Association of American Medical Colleges, in a recent task force report on FMG's, clearly recognized the serious problems surrounding the certification and licensure of FMG's in the United States. The task force declared:

In reality, there is no examination available for measuring professional competence. Hence we are faced with dual standards for admission and are condoning the evolution of a dual system of graduate medical education. Currently a little over one-half of the physicians entering the American system are products of accredited United States medical schools, while the balance for the most part represents products of unaccredited education systems. This double standard results in wide disparity in the quality of physicians admitted to deliver care in the United States. It undermines the process of quality medical education in this country and ultimately poses a threat to the quality of care delivered to the people.

Mr. President, the legislation which I have introduced today is much more than a reauthorization and extension of expiring health manpower legislation. It is specifically designed to deal with the critical problems of geographic maldistribution of health professions, maldistribution of physician specialists, our increasing reliance on foreign medical graduates, and the dual standards for certification and licensing of physicians. The programs contained in the bill would continue the basic intent of the health manpower legislation authorized for the past 10 years. Further, it would build on the strengths of existing law and at the same time would effect significant changes in the health professions educational system and the health care delivery system nationwide. The primary responsibility for solving these problems will rest with the undergraduate and graduate health professions education institutions.

This legislation would continue the basic programs of financial assistance authorized in previous law, with some major modifications. But in return, the educational institutions which benefit most must do even more to meet their national responsibilities. In the past 10 years they have strived to meet their responsibilities. Enrollments and graduations at medical schools have increased substantially. Now the educational institutions have a greater task ahead. Through their coordinated efforts, the efforts of the various public agencies involved—both Federal and State—and the efforts of the individual practitioners, I believe that the Nation's critical health manpower problems can be alleviated. The dependence of these institutions upon public funds requires no less.

Title I of the Health Professions Educational Assistance Act of 1974 is for the most part technical. Its provisions renumber, consolidate, and rearrange already existing provisions in title VII of the Public Health Service Act which authorizes Federal assistance to schools of the health professions. The major provision of title I of this bill expands the membership of the National Advisory Council on Health Professions Education to include representatives of all the

health professions schools assisted under title VII of the Public Health Service Act. A revised advanced funding provision is also included.

Title II extends and slightly revises existing provisions in title VII of the Public Health Service Act. These provisions authorize grants, loan guarantees, and interest subsidies for the construction of teaching facilities for the training of physicians, dentists, pharmacists, optometrists, podiatrists, veterinarians, and public health personnel. Existing law authorizes a Federal share of 80 percent of the costs of construction for all but public health facilities, for which a 75 percent Federal share is authorized. The new bill authorizes 80 percent for all professions. The bill authorizes $100 million for fiscal year 1975: $125 million for fiscal year 1976: and $150 million for fiscal year 1977 and each of the next 2 fiscal years for the construction grant program. It authorizes $2 million for fiscal year 1975: $2.5 million for fiscal year 1976; and $3 million for fiscal year 1977 and each of the next 2 fiscal years for loan guarantees and interest subsidies.

Title III of the new bill significantly revises the student assistance programs authorized under section 329 and title VII of the Public Health Service Act. First, students pursuing a graduate degree in public health would become eligible to apply for health professions student loans under the new bill. The advanced traineeship program for students of public health would be repealed.

Second, the maximum amount of a health professions student loan, under the new bill, would be increased to equal a health professions student's tuition plus $2,500 per year. Existing law authorizes a maximum student loan of $3,500. Authorizations for the health professions student loan fund are $60 million for each fiscal year 1975 through 1979.

Third, the health professions student loan forgiveness program in existing law would be amended to require the Secretary to forgive or cancel all loans for profesional educational expenses at the rate of 50 percent for the first year and 50 percent for the second year of service in a health manpower shortage area. In existing law, the Secretary can forgive only 85 percent of all professional educational loans at the rate of 30 percent for the first year, 30 percent for the second year, and 25 percent for the third year of service in a shortage area. The new bill, in addition, makes students pursuing graduate degrees in public health eligible for the loan forgiveness program.

Fourth, and most important, the new bill would obligate each individual who receives any student loan under title VII to serve at least 2 years in an area or institution designated by the Secretary of Health, Education, and Welfare as having a shortage of health manpower. The individual could serve the obligated period in a shortage area as designated by the Secretary, or he or she could serve as a member of the National Health Service Corps. For individuals not serving in the corps, the obligated period of service would begin 6 months after the individual is licensed to practice. Deferments of the obligation period would be permitted only for a period of time required to completed primary care residency training. Individuals who fail to serve the obligated period would be required to pay damages which would equal about twice the original value of the student assistance received.

Fifth, the program of loans and scholarships for U.S. citizens studying medicine in foreign medical schools would be retained and students receiving such assistance would be subject to the same requirements for obligated service in health manpower shortage areas as U.S. medical students receiving title VII student assistance.

Sixth, the program of health professions student scholarships and the physician shortage area scholarship program would be repealed, to be replaced by an amended Public Health and National Health Service Corps scholarship training program. The program would be identical to the program contained in S. 3181 which I introduced on March 13, 1974, along with my friends and colleagues Senators MAGNUSON, JAVITS, RANDOLPH, PELL, HATHAWAY, and CLARK. At the conclusion of my remarks, I will submit a summary of S. 3181 for the RECORD, which I ask to be included in the RECORD.

Seventh, the amendments to the National Health Service Corps also contained in S. 3181 are incorporated into title III of the new health manpower bill.

Title IV of the bill revises and extends the existing programs of capitation and special project grants to health professions schools and the program of assistance to area health education centers. First, the program of capitation grants to health professions schools is significantly changed under the new bill. For the first time, schools of public health will be eligible for these grants. Capitation grants are grants to health professions schools which are awarded on the basis of the number of students enrolled. Each grant, under the new bill, will equal one-third of the net educational costs of training a student multiplied by the number of full-time students enrolled in the school.

The formula for determining net educational costs was derived from the recently released Institute of Medicine of the National Academy of Sciences study on the costs of educating health professions students. Capitation grants for schools of public health, physician extenders, and expanded duty dental auxiliaries, were not subjects of the Institute of Medicine study. Schools of medicine, osteopathy, and dentistry will receive a capitation grant based on the number of full-time students enrolled and on the number of physician extenders or expanded duty dental auxiliaries enrolled. Schools of public health, veterinary medicine, optometry, podiatry, and pharmacy will receive a capitation grant based on the number of full-time students enrolled. Total authorizations for the capitation grant program are $292,273,250 for fiscal year 1975: $304,626,000 for fiscal year 1976; and $316,747,350 for fiscal year 1977 and each of the next 2 fiscal years.

Although the changes made to the capitation grant formulas are significant, the most important amendment made by the new bill to the existing program is the following requirement: The new bill would prohibit the Secretary from making any capitation grant after June 30, 1974, to any school receiving capitation support under the bill unless the school assures the Secretary that each student accepted for enrollment agrees to serve in the National Health Service Corps or in a medically underserved area as a private practitioner. If there are more individuals obligated to serve in a year than there are medically underserved areas for that profession, the Secretary will employ a random selection method in order to determine which such individuals shall perform obligated service. Individuals not in the Corps would be required to serve within 6 months after being licensed to practice. Each person would be obligated to serve 2 years. Deferment of service would be allowed only for a period required to complete primary care residency training. Individuals who fail to serve the obligated period would be required to pay damages equal to about twice the amount of the funds received by the school under the capitation grant program for that student.

In addition to the requirement I just described, in order to receive capitation support every health professions school must maintain existing enrollment levels and maintain the amounts of non-Federal funds expended at existing levels.

Also, schools of medicine, osteopathy, and dentistry must either, first, increase their enrollment by 10 percent if class size is 100 or less, or by 5 percent or 10 students, whichever is greater, if class size is over 100, or second, admit in the first school year after the fiscal year in which the grant is made, at least 25 full-time students for training as physicians extenders or expanded duty dental auxiliaries and increase the enrollment of these students by 25 percent in the following year. Schools of public health, veterinary medicine, optometry, podiatry, and pharmacy must increase their enrollment by 10 percent if class size is 100 or less, or by 5 percent or 10 students, whichever is greater, if class size is over 100.

If a health professions school fails to comply with these requirements, the Secretary, after a hearing, can withhold any further payment of the grant and require that the school pay back the funds already received.

The program of special project grants and contracts is left essentially the same as in existing law. Only two significant changes are made. Schools of public health would become eligible to receive such grants and contracts, and a new purpose would be added to the list of purposes for which grants and contracts could be awarded. Grants would be authorized for projects to assist schools of medicine, osteopathy, and dentistry to plan, develop, and implement a nutrition education curriculum. Authorizations for the special projects program are $100

million for each fiscal year 1975 through 1979.

The new bill extends the program of startup assistance for new schools of medicine, osteopathy, and dentistry. It authorizes $11 million for each fiscal year 1975 through 1979. The program of financial distress grants to health professions school would be repealed.

The program of assistance to area health education centers would be revised and extended. The major revision would require all new area health education centers receiving assistance under this section to do each of the following:

First. Encourage the establishment or maintenance of programs to alleviate shortages of health personnel through training or retraining;

Second. Provide training programs leading to more efficient utilization of health personnel;

Third. Initiate new types and patterns or improve existing patterns of training, retraining, continuing education, and advanced training of personnel; and

Fourth. Encourage new or more effective approaches to the organization and delivery of health services through the use of the team approach.

Currently, in existing law, an area health education center may choose only one of the purposes I have described as a project. Authorizations for area health education centers are $75 million for each fiscal year 1975 through 1979.

Title V of the new bill extends, without revision, one provision of existing law which authorizes grants to hospitals to develop training programs in family medicine and to provide financial assistance to students and physicians who participate in family medicine programs. Authorizations for the family medicine grant program are $40 million for each fiscal year 1975 through 1979.

In addition, two programs are repealed. They are: grants for computer technology health care demonstration programs and grants for training, traineeships, and fellowships for health professions teaching personnel.

One new program is added by title V. This program would authorize grants to medical and osteopathic schools to train U.S. citizens who transfer from foreign medical schools to a U.S. medical school. These grants would be for the costs of identifying educational deficiencies of such students and specialized training designed to prepare such students for the successful completion of licensure examinations. Authorizations for the new program are $5 million for fiscal year 1975; $10 million for fiscal year 1976; $15 million for fiscal year 1977 and each of the next 2 fiscal years.

Title VI substantially revises the programs contained in title VII of the Public Health Service Act for allied health training have never been widely used, and appropriations have constituted only about one-third of authorizations. Some programs have never been funded. Existing law includes authorizations for construction grants, basic improvement grants, special improvement grants, special project grants, advanced traineeships, a program to identify financially and culturally deprived individuals with a potential for education and training in the allied health professions, and three programs for scholarships, loans, and work-study.

The new legislation proposed for allied health professions training would do the following: First, it would provide a definition of the term, "allied health personnel." Second, it would authorize a new program of allied health special project grants for States, as well as for schools and representatives of the allied health professions. Authorizations for this allied health special projects grant program are $40 million for fiscal year 1975; $45 million for fiscal year 1976; and $50 million for fiscal year 1977 and the next 2 fiscal years.

Third, the new bill would rewrite the old advanced traineeship program for professional allied health personnel and would authorize appropriations of $7.5 million for fiscal year 1975; $9 million for fiscal year 1976; and $10.5 million for fiscal year 1977 and the next 2 fiscal years.

Fourth, the section in existing law which authorizes the identification of—and assistance to—financially, culturally, or educationally deprived persons who have a potential to become allied health personnel is rewritten and extended. The new section authorizes $1 million for fiscal year 1975; $1.5 million for fiscal year 1976; and $2 million for fiscal year 1977 and the next 2 fiscal years.

Fifth, a new section is added to the allied health training provisions which would require the compilation and dissemination of statistics on allied health personnel and submission to the Senate Labor and Public Welfare Committee and the House Interstate and Foreign Commerce Committee of an annual report on these statistics.

Title VII of the new legislation is certainly one of the most important and innovative titles in the bill. It authorizes a new program which would alleviate to a great extent the maldistribution of physicians in the United States. Essentially, the program would certify a limited number and an appropriate balance of postgraduate physician training programs. The program would be administered by the Secretary, according to the recommendations of a newly established National Council on Postgraduate Physician Training and 10 regional councils on postgraduate physician training throughout the Nation. Each council would consist of 19 members who would be representative of physician and nonphysician personnel. The Secretary, according to the recommendations of the national council, would set the total number of internship and residency positions to be certified nationwide in the following year.

That total number could not exceed 110 percent of the total number of medical and osteopathic degrees granted in that year. The Secretary would divide the total number of positions to be certified among the various recognized physician specialties and subspecialties and would distribute the certified positions among the 10 regions. The Secretary would then assign the certified positions distributed to each region—according to the recommendations of each regional council—among the training institutions operating within the region. The Secretary would insure that no certified position went to any institution which maintained any uncertified positions.

Four important features are a part of the certification program, as follows: First, the bill provides for the number of postgraduate trainee positions to be limited to 110 percent of the number of graduates of U.S. medical and osteopathic schools in any year, insuring a limited and appropriate balance of postgraduate training positions in the various medical specialty and subspecialty areas, nationwide and regionally. It would have the net effect of limiting to 10 percent the postgraduate training positions for graduates of foreign medical schools who now make up one-third of the physicians in postgraduate training positions.

Second, the bill would also authorize the Secretary to compensate institutions which are forced to decrease their number of postgraduate physician training positions because of the 110-percent limit. The institution, however, must have a plan to replace the physician trainees lost with nonphysician manpower.

Third, the Secretary will be required to make grants of up to $100,000 to develop new additional training positions in specialties, and in geographic areas, if the national and regional councils feel such additional positions are needed. Under this provision, special priority will be given to postgraduate training programs in primary care and positions in underserved regions.

Fourth, the new bill authorizes an extensive study to determine the desired balance of physicians in the various medical and surgical specialties and subspecialties.

Title VIII of the bill requires the Secretary, in consultation with appropriate professional organizations, to develop and establish national standards for the licensure of all physicians and dentists who wish to practice in the United States. Using the national standards developed under the authority of this program, the Secretary is directed to prepare a national examination to initially license physicians and dentists and subsequent reexaminations to renew licenses which would be given at least every 6 years. The national standards for licensure and the national licensure examination must be developed within 2 years after the enactment of this legislation.

Once the standards and examination are developed and established, the Secretary is required to review their appropriateness at least every 2 years and revise them if necessary.

According to the provisions of this new national licensure program, individual States would be encouraged to establish their own licensure programs, which must, however, be in accordance with the national standards. A State program would be deemed to be in accordance

with the national program if it met or exceeded al. of the national standards and complied with the requirements of the national program.

The new national licensure program would establish reciprocal licensure relationships between States which comply with the national standards for licensure of physicians and dentists. Therefore, a physician or dentist licensed to practice in one State which complies with the national standards would be deemed qualified for licensure in any other State meeting the national standards. If a State has a licensure program which exceeds the national standards, the physician or dentist would be qualified for licensure in that State if he complies with the additional requirements imposed by the State program.

The bill prohibits States from establishing any requirement for the licensure of physicians and dentists which, first, would be inconsistent with national standards or second, would require that the individual applying for the license reside in the State for a certain period of time.

All physicians and dentists educated in accredited medical or dental schools—whether in the United States or in a foreign nation—are eligible for licensure in a State. However, graduates of foreign schools must be able to demonstrate written and oral proficiency in the English language.

The bill also prohibits a State from renewing the license of any physician or dentist who is obligated, under the provisions of this legislation, to provide health service in a medically underserved area or as a member of the National Health Service Corps, unless that physician or dentist has fulfilled his obligation, as certified by the Secretary.

In addition, a State would be prohibited from renewing the license of any physician who received his postgraduate training, after July 1, 1977, in an uncertified postgraduate training program.

I ask unanimous consent to include the following bibliography at this point in the RECORD.

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

[SUMMARY OF S. 3181]

CHANGES IN THE NHSC MADE BY THE NATIONAL HEALTH SERVICE CORPS AMENDMENTS OF 1974

1. Changes the definition of a "medically underserved area" to conform to the definition of a "medically underserved population" used in the HMO Act of 1973. Clarifies the present legislative intent that the Secretary is to publish a list of all of the underserved populations in the United States by requiring a report to Congress by September 1, 1974, on the criteria used in designating medically underserved populations, and the publication of such a list by January 1, 1975. Provides a new mechanism by which representatives of populations which are not designated by the Secretary as underserved may apply to him for such designation, and lists the indicators of the availability of health services which should be considered when reviewing such applications. Sec. 329(b)(1), (b)(2), and section 1(b).

2. Clarifies the existing requirements for applying for the assignment of NHSC personnel to make it clear that a community seeking such assignment must make application to the Secretary, and specifying that, in communities with several medical or dental societies, the approval of any one of these societies will be sufficient for the approval of an application. Section 329(c)(1)(A).

3. Adds a new requirement that the Secretary may approve applications for NHSC personnel for periods which do not exceed four years, and that, if a community desires assignment of NHSC personnel for more than four years, it must reapply to the Secretary at the end of the original four-year assistance period. Requires the Secretary in considering applications for continued assistance for a community to apply the criteria necessary for the original approval of an application and, in addition, to evaluate the community's continued need for NHSC personnel, the use of personnel assigned to date, the growth of the practice of the assigned personnel, the community's support for the assignment, the community's continued efforts to secure its own health manpower, and the quality of the management of the NHSC practice. Section 329(c)(2).

4. Adds a new requirement that the Secretary, in assigning Corps personnel to communities, make an effort to match the characteristics of the personnel (and their spouses) and the communities to which they may be assigned in such a way as to maximize the likelihood that the personnel will remain in the community after the completion of their assignment and leaving the NHSC. Further requires the Secretary to review the assignment of each Corps assignee and the situation in the community to which he is assigned for the purpose of determining the appropriateness of extending his assignment. Section 329(c)(4).

5. Makes new authority available to the Secretary to make grants, not in excess of $25,000, to medically underserved populations to be used for the purpose of establishing medical practices for NHSC personnel. This provision is written to repay to the Federal government the amounts of such grants using revenues generated by the practice. Section 329(d)(3) and (e)(1)(G).

6. Provides authority to the Secretary to sell to NHSC communities at fair market value any equipment in his ownership which has been used by NHSC assignees in providing health services, Sec. 329(d)(4).

7. Clarifies the financial arrangement that the Secretary and communities receiving NHSC personnel must enter into. Provides that a community must:

(1) charge patients seen for health services received,

(2) make reasonable efforts to collect the amounts of such charges, and

(3) pay to the United States the lesser of either:

(a) the amount collected under (2) or

(b) the pay and allowances of the NHSC personnel plus the amounts of any start-up grants provided to the community (suitably pro-rated over the period of NHSC assignment).

These provisions have the effect of assuring that NHSC communities will be responsible for payment to the Federal government of the reasonable costs incurred by it in the operation of the program, but, that in the event the practice generates additional revenues, these additional revenues may be retained by the community for its use in improving or expanding the practice, or recruiting its own health manpower. The ability of the community to retain some funds is intended to provide the community with a significant incentive for the efficient and effective collection of charges billed to patients. Sec. 329(e)(1).

8. Requires the Secretary, under regulations which he prescribes, to adjust the monthly pay of physicians and dentists serving in the NHSC so that their pay will be competitive with that of physicians and dentists in established practices with equivalent training. This provision constitutes, in effect, a pay bonus and is modeled after physicians and dentists serving in the Armed Forces. It will be limited to an amount, not to exceed $1,000 per month, which is intended to make service in the NHSC attractive on a financial basis for young physicians. Further, the pay bonus would be available in its full amount only during the first three years in which an individual served in the NHSC. Subsequently his salary would be held constant so that as the practice grows it will become financially wise for the NHSC personnel to leave the Corps and enter private practice in the community in which they are assigned. Sec. 329(f)(4).

9. Adds new requirements to the existing requirements for an annual report to the Congress that the report indicate the number of patients visits recorded in the previous year by the NHSC, the results of evaluations conducted by the NHSC, and the amounts charged, collected, and paid to the Federal government by NHSC communities. Sec. 329(g).

10. Renames the existing national advisory council as the National Advisory Council on the NHSC, requires membership on the Council from communities served and NHSC personnel assigned, and gives the Council the authority to review and approve program regulations. Sec. 329(h).

11. Provides the Secretary authority to seek appropriations for the NHSC a year in advance so that stable budget planning will be possible in order to facilitate long-range recruitments of physicians and dentists for the Corps. This is important because most physicians and dentists make their career plans as much as a year in advance and therefore the Corps must know as much as a year in advance how many physicians its appropriations bill will support. Sec. 329(1)(2).

12. Requires the Secretary of HEW to conduct or contract for studies of methods of assigning personnel in the NHSC with the purpose of identifying the characteristics of health manpower who are likely to remain in practice in medically underserved populations, the characteristics of areas which have been able to retain health manpower, the appropriate conditions for the assignment of independent nurse practitioners and physicians' assistants in medically underserved populations, and the effect of primary care residency training in such populations on the health care provided and the decisions of the residents respecting areas in which to locate their practice. Sec. 1(b)(2).

13. Amends the NHSC scholarship program to follow the provisions of the military health manpower scholarship program respecting monthly payments to participants and support by the Secretary for the costs borne by institutions who increase their enrollment in order to accept participants in the scholarship program. Sec. 225(c)(1)(A) and (c)(2).

14. Provides that the payments under the scholarship program for individual living expenses may be adjusted by the Secretary in proportion to any inflation in living costs. Sec. 225(c)(1)(B).

15. Clarifies the legislative specification that individuals completing the scholarship program be available first for service in the NHSC or Indian Health Service, second, if no positions are available in the above, for service in the Federal Health Programs Service, and, third, if no positions are available in any of the above, for any service deemed appropriate by the Secretary. Sec. 225(d)(2).

16. Provides a penalty provision similar to the one contained in H.R. 7724, the Biomedical Research Training legislation, which would require individuals who fail to perform obligated service to pay back their scholarship and related Federal contributions to their education at twice their original value. This provision is responsive to the experience of existing, primarily state, loan and scholarship training programs which have been that

without such penalty a substantial portion of the participants will repay the dollar value of their scholarship rather than perform the obligated service. Sec. 225(e)(1).

17. Authorizes appropriations for the NHSC as follows:

| | Million |
|---|---|
| Fiscal year 1975 | $30 |
| Fiscal year 1976 | 35 |
| Fiscal year 1977 | 40 |
| Total | 105 |

Authorizes appropriations for the NHSC scholarship program as follows:

| | Million |
|---|---|
| Fiscal year 1975 | $20 |
| Fiscal year 1976 | 25 |
| Fiscal year 1977 | 30 |
| Total | 75 |

HISTORY OF FEDERAL ASSISTANCE TO HEALTH PROFESSIONS SCHOOLS

On June 30, 1974, the various authorities in the Comprehensive Health Manpower Training Act of 1971 for federal assistance to health professions education are to expire. Congressional action will be required to extend or modify those authorities. The Comprehensive Health Manpower Training Act authorizes three broad categories of federal assistance: institutional support, student assistance, and construction assistance. The following is a brief description of the assistance available in each of these categories, as well as in a number of related areas.

*Institutional support:* The basic program of institutional support is a capitation grant based on the number of students and graduates, with bonuses for three-year M.D. programs, for training of physicians' assistants, and for enrollment increases above a mandatory increase required to qualify for capitation support. Additional institutional support is provided through $50,000 base grants to small schools, through start-up assistance to new schools, through conversion assistance to basic science schools wishing to become degree-granting institutions, through special project grants and through financial distress grants.

*Student assistance:* Student assistance is provided through loans and scholarships of up to $3,500 per year for students studying either in the United States or abroad. Loan forgiveness provisions apply to students agreeing to practice in underserved areas. A special scholarship program, paying up to $5,000 per year, is available to students agreeing to practice in underserved areas.

*Construction assistance:* Grants-in-aid of up to 80 percent are available to public or nonprofit private schools. For nonprofit private schools assistance is also available through loan guarantees and interest subsidies (with or without guaranteed loans).

*Other programs:* The Comprehensive Health Manpower Training Act also authorizes a number of other programs related to medical education. They include: (1) Health Manpower Education Initiative Awards (HMEIAs) for improving through grants or contracts with public or nonprofit private entities the distribution, supply, quality, utilization and efficiency of health personnel and the health services delivery system; (2) a program of grants to hospitals for training, traineeships and fellowships in family medicine; (3) a program of formula grants to schools or unaffiliated hospitals for support of the educational costs of graduate training for physicians and dentists in primary care or other designated shortage areas: (4) a program of grants to schools for training, traineeships and fellowships for health professions personnel; and (5) a program of grants to public or nonprofit private entities for computer technology health care demonstration programs.

In this Memorandum, the various federal health professions education assistance programs have been divided among five categories: institutional support, student assistance, construction assistance, other programs and advisory councils. Within each category, the legislative history of its expansion and development is traced chronologically. The various assistance programs have been affected by the following Acts:

Health Professions Educational Assistance Act of 1963 (PL 88–129), contained the original legislation and authorized the HPEA program for three years through fiscal 1966.

Nurse Training Act of 1964 (PL 88–581), removed nurses and nurses' training from the HPEA program.

Amendments to the Public Health Service Act, 1964 (PL 88–654), included optometrists and schools of optometry in the student loan program.

Health Professions Educational Assistance Amendments of 1965 (PL 89–290), extended HPEA authorities for three additional years through fiscal 1969, increased construction authorizations, modified the student loan program, and created two new forms of aid, educational improvement grants, and scholarships.

Veterinary Medical Education Act of 1966 (PL 89–709), included veterinarians and schools of veterinary medicine in the HPEA construction and student loan programs.

Allied Health Professions Personnel Training Act of 1966 (PL 89–751), modified the student assistance program by adding a revolving-fund-based student loan fund.

Partnership for Health Amendments of 1967 (PL 90–174), altered the composition of the National Advisory Council on Education for Health Professions.

Health Manpower Act of 1968 (PL 90–490), extended the HPEA authorities for an additional two years through fiscal 1971, and amended the construction assistance, student loan, student scholarship, and institutional support programs.

Amendments to the Public Health Service Act, 1970 (PL 91–515), prohibited members of the National Advisory Council on Education for Health Professions and the National Advisory Council on Health Professions Educational Assistance from receiving compensation.

Health Training Improvement Act of 1970 (PL 91–519), amended the formula for determining institutional grants to new HPEA schools.

Amendments to the Public Health Service Act, 1971 (PL 92–52), extended the authority for the student loan and student scholarship programs through fiscal 1972.

Comprehensive Health Manpower Training Act of 1971 (PL 92–157), extended the HPEA authorities for an additional three years through fiscal 1974, amended the construction assistance, student loan, student scholarship, and institutional support programs, and created several new programs of support including health manpower education initiative awards.

Emergency Health Personnel Act Amendments of 1972 (PL 92–585), amended the student loan forgiveness provisions.

INSTITUTIONAL SUPPORT

*Health Professions Educational Assistance Amendments of 1965 (PL 89–290)*

Authorized appropriations of $20,000,000 for fiscal 1966, $40,000,000 for fiscal 1967, $60,000,000 for fiscal 1968, and $80,000,000 for fiscal 1969 for basic and special improvement grants to schools of medicine, dentistry, osteopathy, optometry, and podiatry.

Authorized the Surgeon General to award basic improvement grants to schools of medicine, dentistry, osteopathy, optometry, or podiatry. Limited the grants per school for fiscal 1966 to $12,500 plus $250 times the number of full time students and for fiscal years 1967 through 1969 to $25,000 plus $500 times the number of full time students.

Prohibited grants to a school unless its application contained reasonable assurances that, during the period for which it would receive grants, the first-year enrollment of full time students at the school would exceed the highest first-year enrollment for any of the school years during the period July 1, 1960 through July 1, 1965 by the greater of 2½ percent or five students. Stipulated that this requirement shall be in addition to the enrollment increase requirement for construction assistance under this Act.

Permitted the Surgeon General to waive the enrollment increase requirement for basic improvement grants if he determined, after consultation with the National Advisory Council on Medical, Dental, Optometric, and Podiatric Education, that the requirement would so crowd the school's physical facilities as to impair the quality of training.

Authorized the Surgeon General to make special improvement grants from the appropriated sums not used for basic improvement grants to schools of medicine, dentistry, osteopathy, optometry, or podiatry. Required that only those schools which have approved basic improvement grant applications are eligible for special improvement grants.

Stipulated that no special improvement grants may be awarded unless recommended by the National Advisory Council on Medical, Dental, Optometric, and Podiatric Education. Required that special improvement grants be used only for providing for or the maintenance of accreditation or for the school's specialized functions.

Limited special improvement grants per school to $100,000 for fiscal 1966, $200,000 for fiscal 1967, $300,000 for fiscal 1968, and $40,000 for fiscal 1969.

Limited eligibility for basic improvement and special improvement grants to public or non-profit schools of medicine, dentistry, osteopathy, optometry, or podiatry that are accredited or provide reasonable assurances of accreditation. Required consultation when awarding grants with the National Advisory Council on Medical, Dental, Optometric, and Podiatric Education.

Specified that grants may be approved only if the applications: meet the eligibility standards; guarantee that during the fiscal year in which a grant is sought, the school's expenditure of non-federal funds (excluding funds for construction) will be at least equal to the average amount spent during the previous three years; contain additional information deemed necessary by the Surgeon General; and provide for fiscal control, accounting procedures, reports and access to records to assure proper disbursement of and accounting for federal funds.

Required the Surgeon General when awarding special improvement grants to take into consideration a school's financial need, the effectiveness of the school's plan for achieving the purposes of the grant, and the contribution to an equitable geographic distribution of schools offering high quality training of physicians, dentists, optometrists.

*Health Manpower Act of 1968 (PL 90–490)*

Authorized appropriations of $117,000,000 for fiscal 1970 and $168,000,000 for fiscal 1971 for institutional grants (previously basic improvement grants) and special project grants (previously special improvement grants). Authorized the Secretary to allocate the appropriated sums between institutional grants and special project grants unless they are specifically allocated by this Act or annual appropriations acts.

Extended to schools of pharmacy and veterinary medicine eligibility for institutional and special project grants.

Altered the existing allotment formula for institutional grants by awarding to each eligible school $25,000 and distributing the remainder to the schools as follows: 75 percent of the remainder allocated according to a school's relative full time enrollment and

its relative increase in full time enrollment over the average full time enrollment for the previous five years, with the number of increased students counted twice; and 25 percent of the remainder allocated according to a school's relative number of graduates. Stipulated that schools, when calculating their relative increase in full time enrollment, exclude a number equal to the enrollment increase requirement for institutional grants. Specified that for fiscal years 1970 and 1971 no school could receive a grant smaller than one it received in fiscal 1969.

Altered the enrollment increase requirement for institutional grants by requiring reasonable assurances that the first-year, full time enrollment for the school year after the fiscal year in which the grant was made and for each succeeding school year in which a grant is made will exceed the average full time first-year enrollments of the two school years having the largest enrollments between July 1, 1963 and June 30, 1968 by the greater of 2½ percent or five students. Authorized the Secretary to waive this requirement if he determines, after consultation with the National Advisory Council on Health Professions Educational Assistance (previously the National Advisory Council on Medical, Dental, Optometric, and Podiatric Education), that, because of limitations in physical facilities, the school's quality of training would be lowered.

Stipulated that an institutional grant to a school could not exceed in any fiscal year the school's teaching expenditures from non-federal sources (excluding expenditures of a nonrecurring nature) during the previous year. Exempted from this provision schools which have over the previous year added a particular year-class and Howard University.

Amended the special project grant provisions so that the specific purposes of the grants would be: to plan, develop, or establish new programs or modifications of existing programs of education in the respective health professions; to effect significant improvements in the curriculums of the respective health professions schools; to conduct research in the various fields related to education in the respective health professions; to develop training for new levels or types of health professional personnel; to assist any school which is in serious financial straits to meet the cost of operation; to assist any school which has a special need for financial assistance to meet the accreditation requirements; to meet the cost of planning and designing experimental teaching facilities; or to otherwise strengthen, improve, or expand programs to train personnel in the respective health professions or to help increase the supply of adequately trained personnel in the health professions.

Repealed the requirement that schools have an approved application for an institutional grant in order to be eligible for a special project grant. Removed all limitations on the amount per year of special project grants to schools.

*Health Training Improvement Act of 1970 (PL 91–519)*

Stipulated that, in the case of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, or podiatry which apply for institutional grants in the fiscal year preceding the fiscal year in which they will admit their first class, the Secretary will determine the enrollment figures to be used for allocating institutional grants. Specified that the enrollment figures should be based on the school's assurances of the number of full time students who will be enrolled in the school in the fiscal year after the fiscal year in which the grant is made. Specified that this provision is only effective for sums appropriated for institutional grants after fiscal 1970.

Required that sums appropriated after the enactment of this Act for fiscal 1971 for special project grants to assist schools in serious financial trouble to meet their operating costs remain available through fiscal 1972.

Declared that the Congress found the Nation's economy, welfare, and security to be adversely affected by the acute financial crisis threatening the medical and dental schools. Stipulated that the Secretary shall determine the need for emergency financial assistance to medical and dental schools and report that to the Congress on or before June 30, 1971.

*Comprehensive Health Manpower Training Act of 1971 (PL 92–157)*

Amended the PHS Act to provide capitation, special project, start-up conversion, and financial distress grants.

*Capitation grants*—Authorized appropriations for capitation grants: for fiscal 1972 $200,000,000 for schools of medicine, dentistry, and osteopathy and $34,000,000 for schools of optometry, pharmacy, podiatry, and veterinary medicine; for fiscal 1973 $213,000,000 for schools of medicine, dentistry, and osteopathy and $37,00,000 for schools of optometry, pharmacy, podiatry, and veterinary medicine; and for fiscal 1974 $238,000,000 for schools of medicine, dentistry, and osteopathy and $41,000,000 for schools of optometry, podiatry, pharmacy, and veterinary medicine.

Established the formula for distributing capitation grants to schools of medicine (other than two-year schools of medicine), dentistry, and osteopathy to be: $2,500 for each first-, second- and third-year student; $1,000 for each enrollment bonus student; $1,000 for each student training full time as a physician's assistant or dental therapist; $4,000 for each graduate completing studies in more than three years; and $6,000 for each graduate completing studies in three years or less.

Established the formula for distributing capitation grants to two-year schools of medicine to be: $2,500 for each full time student; and $1,000 for each student training full time as a physician's assistant.

Established the capitation grant formula for schools of veterinary medicine to be: $1,750 for each full time student; and $700 for each enrollment bonus student.

Established the capitation grant formula for schools of pharmacy, optometry, and podiatry to be: $800 for each full time student; and $320 for each enrollment bonus student.

Required the pro-rating of grants if approved applications exceed appropriations. Limited the enrollment bonus student grant to $150,000 per class.

Created a base grant of $50,000 for a maximum of two years for schools of medicine, dentistry, and osteopathy which have received their first capitation grant after fiscal 1971 and have a first-year class of 50 or less.

Defined an enrollment bonus student to be a full time student in a first-year class which attains certain prescribed enrollment standards. Provided that an enrollment bonus student shall be considered as one in each succeeding year of his enrollment.

Established the following enrollment standards for bonus enrollment students: for the 1971–1972 school year, the fall 1971 first-year class must exceed the fall 1970 first-year class by the greater of five percent or five students and the school must provide assurances that succeeding first-year classes will not be less than the fall 1971 enrollment plus either 10 percent of the fall 1970 first-year enrollment if the 1970 enrollment was under 100 or the greater of five percent or 10 students if the class was more than 100; and for school years after the 1971–1972 school year, for a school without a previous enrollment bonus student grant, the first-year class must not be less than the required enrollment (10 percent over first-year enrollment in fall 1970 if such enrollment was under 100 or the greater of five percent or 10 students over first-year enrollment in fall 1970 if such enrollment was over 100) plus the greater of five percent of such enrollment or five students, and for a school that has previously qualified for an enrollment bonus student grant, the first-year class must not be less than the assured enrollment plus the greater of five percent of such enrollment or five students. Required that all schools applying for enrollment student bonus grants after the 1971–1972 school year provide assurances that succeeding first-year classes will not be less than the enrollment required to qualify for an enrollment bonus student grant.

Stipulated that in the case of a new HPEA school which applies for a capitation grant in the fiscal year preceding the fiscal year in which it will admit its first class, the enrollment for the purposes of determining the size of the capitation grant and eligibility for a base grant shall be the number of full time students which the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school, in the fiscal year after the fiscal year in which the grant is made.

Required that the Secretary not make a capitation grant to any school after fiscal 1971 unless the application for the grant contained assurances that: the first-year full time enrollment during the first year after the grant is made and for each succeeding year in which a grant is made, will exceed the enrollment of the fall 1970 class by 10 percent if that enrollment was less than 100 or by the greater of five percent or 10 students if the enrollment was greater than 100 (specified that these requirements shall be in addition to the enrollment increase requirements for HPEA construction grants); and the applicant must spend (other than on construction) during the fiscal year in which the grant is sought, an amount from non-federal sources at least equal to the previous three-year non-federal spending average. Authorized the Secretary to waive the enrollment increase requirement for capitation grants if he determines after consultation with the National Advisory Council on Health Professions Education, that because of limited physical facilities or other relevant factors the required increase would lower the training quality.

Required the Secretary, in cases where the enrollment increase exceeded the minimum requirements, to satisfy himself, after consultation with the appropriate accreditation body, that the expanded program will meet accreditation standards.

Required schools which are applying for their initial capitation grants under this Act to submit with their grant application a plan to carry out during the next two-school-year period at least three of the following projects: to improve the curriculum, including efforts to shorten the degree program; to develop interdisciplinary training among schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, veterinary medicine, nursing, public health, and allied health, including training for the use of the team approach; to develop training programs for new roles, types, and levels of health personnel; to modify existing health professions educational programs, including projects for the teaching of the organization, provision, financing, or evaluation of health care; to assist in increasing the supply of health personnel; to increase training in schools of medicine, osteopathy, and dentistry in clinical pharmacology, drug abuse control, and the science of nutrition; to increase training in pharmacy schools in clinical pharmacy, clinical pharmacology, and drug abuse control; to stimulate minority enrollment; and to train primary health care professionals, with particular emphasis on programs of family medicine.

Permitted the Secretary to make, in connection with these projects, on-site inspec-

tions of any school and require information or data from any school. Required the Secretary to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House about these projects by January 1, 1973 and September 1, 1974.

*Special project grants*—Authorized the Secretary to award special project grants to assist schools of medicine, dentistry, osteopathy, veterinary medicine, optometry, pharmacy, and podiatry to: effect significant curriculum improvements, with an emphasis on programs for training in family medicine; develop interdisciplinary training among HPEA schools plus schools of nursing, allied health, public health, including training in the team approach; develop training programs for new roles, types, and levels of health personnel; develop new or modify existing health professions educational programs, including projects for the teaching of the organization, delivery, financing, or evaluation of health care; research, develop, or demonstrate advances in the various fields related to education in the health professions; improve geographic and specialty group distribution of health professions; increase training in clinical pharmacology, alcoholism, drug abuse control, and the science of human nutrition; encourage enrollment in HPEA schools of students likely to practice in health professions shortage areas; encourage minority enrollment; plan experimental teaching programs and facilities; provide traineeships under a preceptor in family practice, pediatrics, internal medicine, or any other Secretary-designated field; utilize health personnel more efficiently through the use of computer technology; and encourage more effective approaches to the organization and delivery of health services through the team approach and the use of computer technology.

Authorized the Secretary to enter into contracts with public or private health educational entities to carry out any special project grant.

Authorized the Secretary to issue grants and enter in contracts for: information-gathering for; planning, development, demonstration, and establishment of; and alteration or renovation of any existing facility for; any special grant project.

Authorized appropriations of $118,000,000 for fiscal 1972, $138,000,000 for fiscal 1973, and $156,000,000 for fiscal 1974 for special project grants. Required that funds appropriated for fiscal 1972 shall remain available for obligation through September 30, 1972.

*Start-up grants*—Authorized the Secretary to issue start-up grants to new schools of medicine, dentistry, and osteopathy which begin instruction after the enactment of the start-up assistance grant section of the PHS Act.

Defined a new school as one which is in the year before its first students are enrolled, in the year its first students are enrolled, and in the next two years.

Limited grants to $10,000 per anticipated student in the year preceding the first year of operation, $7,500 per full time student in the first year of operation, $5,000 per full time student in the second year of operation, and $2,500 per full time student in the third year of operation. Required a minimum initial enrollment of 23 to qualify for a start-up assistance grant.

Stipulated that applications providing assurances that use of existing facilities (including federal medical and dental facilities) will accelerate the opening date are to be given priority.

Authorized appropriations of $10,000,000 for each of fiscal years 1972, 1973, and 1974 for start-up assistance grants.

*Conversion grants*—Authorized the Secretary to make special assistance grants to public or non-profit two-year schools of basic medical science which desire to become accredited degree-granting schools of medicine. Required assurances that the school will be affiliated with an accredited hospital.

Limited grants to $50,000 times the number of third-year students initially enrolled in the school. Prohibited a school from receiving more than one such grant.

Specified that applications for conversion grants were to be submitted before fiscal 1975 and that the school must enroll third-year students not later than the school year beginning in fiscal 1975.

*Financial distress grants*—Authorized the Secretary to issue financial distress grants to schools of medicine, dentistry, osteopathy, veterinary medicine, optometry, pharmacy, or podiatry to meet the operating costs of schools in serious financial condition or to aid schools having special financial need to meet accreditation requirements.

Authorized appropriations of $20,000,000 for fiscal 1972, $15,000,000 for fiscal 1973, and $10,000,000 for fiscal 1974 for financial distress grants. Stipulated that appropriated sums under this authorization which are not expended may be used for special project grants. Required that sums appropriated for fiscal 1972 remain available for obligation through September 30, 1972.

Required schools which receive financial distress grants to agree to: disclose any financial information deemed necessary by the Secretary to determine the sources or cause of the school's financial distress; conduct a comprehensive cost analysis study; and carry out appropriate financial and operation reforms.

Schools must provide assurances in their financial distress grant applications that they will spend (other than on construction) during the fiscal year in which the grant is sought, an amount from non-federal sources at least equal to the previous three year non-federal spending average. Provided that the Secretary after consultation with the National Advisory Council on Health Professions Education may waive the non-federal spending requirement.

*General provisions.*— Limited eligibility for capitation, special project, start-up, conversion and financial distress grants to public or non-profit HPEA schools which are accredited or can offer reasonable assurances of accreditation. Required that the Secretary consult with the National Advisory Council on Health Professions Education on all grant applications.

Required that capitation, start-up assistance, special project, conversion and financial distress grants can be awarded only if the application: is approved by the Secretary after his determination that the application meets the applicable eligibility requirements for each specific grant; contains all additional information the Secretary requires for each particular grant; and provides for fiscal-control and accounting procedures and access to records to assure proper disbursement of and accounting for federal funds.

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STUDENT ASSISTANCE

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE ACT OF 1963 (PL 88-129)

*Loans*—Authorized the Secretary of HEW to enter into agreements for the establishment and operation of student loan funds with public or non-profit, accredited schools of medicine, osteopathy, or dentistry. Specified that each agreement shall provide for the establishment of a student loan fund by the school; finance the student loan fund with capital contributions from both the federal government and the school; require the school to contribute at least one-ninth of the total capital contributions; limit loans to full-time, degree-seeking students of medicine, osteopathy, and dentistry; prohibit a student from receiving loans under both the Health Professions Educational Assistance Act of 1963 and the National Defense Education Act of 1958; and contain provisions to protect the financial interests of the United States.

Limited loans from the loan fund to a maximum of $2,000 per student per academic year. Required the repayment of loans to begin three years after the end of full-time study with a maximum 10-year repayment period. Allowed a maximum three-year extension to the 10-year repayment period for active duty in the Armed Forces or service in the Peace Corps. Established the interest rate on student loans at the greater of three percent a year or the going federal interest rate at the time the loan is made.

Authorized appropriations to the Secretary for federal capital contributions to student loan funds of $5,100,000 for fiscal 1964, $10,200,000 for fiscal 1965, and $15,400,000 for fiscal 1966. Authorized appropriation for fiscal years 1967, 1968, and 1969 of the sums necessary to enable students who have received HPEA loans for any academic year ending before July 1, 1966, to continue or complete their education.

Authorized the Secretary to loan to schools the money needed to meet their share of the capital contributions to the student loan funds.

AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT, 1964 (PL 88-654)

*Loans*—Extended to qualified schools of optometry and students of optometry the provisions relating to the student loan programs as found in the HPEA Act.

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AMENDMENTS OF 1965 (PL 89-290)

*Loans*—Authorized appropriations to the Secretary for federal capital contributions to student loan funds of $25,000,000 in each of fiscal years 1967, 1968, and 1969. Further authorized appropriations for fiscal years 1970, 1971, and 1972 of the sums necessary to enable students who have received loans under the HPEA Act for any academic year ending before July 1, 1969, to continue or complete their education.

Extended the provisions of the student loan fund program to schools of pharmacy and podiatry.

Increased from $2,000 to $2,500 the maximum amount of a loan to a student for an academic year.

Established a loan forgiveness program of 10 percent per year of practice, with a 50 percent maximum cancellation, for students of medicine, dentistry, optometry, and osteopathy with HPEA student loans who practice in doctor shortage areas.

Authorized appropriations of $1,500,000 for loans to schools to help the schools finance their capital contributions to the student loan fund.

Established that the interest rate which a student pays for an initial HPEA loan shall apply to any subsequent loans under the Act during the student's course of study.

*Scholarships*—Authorized a scholarship program from fiscal 1966 through fiscal 1969 based on grants from the Surgeon General to public or non-profit, accredited schools of medicine, osteopathy, dentistry, optometry, podiatry, or pharmacy.

Limited the total scholarship grants to any school to $2,000 times one-tenth the number of full-time: first-year students in fiscal 1966; first- and second-year students in fiscal 1967; first-, second-, and third-year students in fiscal 1968; and total students in fiscal 1969. Provided for fiscal years 1970, 1971, and 1972 the necessary grants to enable schools to continue scholarship awards to students who received scholarship from grant awarded to the schools before fiscal 1970.

Restricted eligibility for HPEA scholarships to students from low income families who could not pursue their studies without scholarship assistance. Required that scholarships from grants under this Act be offered only to individuals who: have been accepted as full-time first-year students; are enrolled and in good standing as full-time students; or, in

the case of funds appropriated for fiscal years 1970, 1971, and 1972, are enrolled and in good standing as full-time students who have received HPEA scholarships prior to fiscal 1970.

Stipulated that scholarships could cover tuition, fees, books, equipment, and living expenses. Limited scholarships to $2,500 per year per student.

Required that all scholarship grants to schools be made after consultation with the National Advisory Council on Medical, Dental, Optometric, and Podiatric Education.

VETERINARY MEDICAL EDUCATION ACT OF 1966 (PL 89–709)

*Loans*—Extended the provisions of the HPEA student loan fund program, except loan forgiveness, to qualified schools and students of veterinary medicine.

Authorized appropriations to the Secretary for federal capital contributions to student loan funds for veterinary students of $500,000 for fiscal 1967, $1,000,000 for fiscal 1968, and $1,500,000 for fiscal 1969.

ALLIED HEALTH PROFESSIONS PERSONNEL TRAINING ACT OF 1966 (PL 89–751)

*Loans*—Extended the loan forgiveness program to physicians, dentists, and optometrists who practice in a rural area with low family income. Authorized loan forgiveness of HEPA student loans to those qualified under this provision of 15 percent a year, with the Secretary authorized to cancel an additional 50 percent of the loan.

Created an alternative means, in addition to federal capital contributions, of financing student loan fund programs by substituting provisions authorizing the establishment of a revolving loan fund for former authorization of federal loans to cover the schools' share of the capital contributions to student loan funds.

Authorized for fiscal years 1967 and 1968 the Secretary of HEW to make loans from the revolving fund to any public or nonprofit, accredited school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, or veterinary medicine to provide the capital needed for student loan funds. Stipulated that: loans to students from revolving-fund-financed student loan funds be governed by the same loan provisions as loans to students from capital-contribution-financed student loan funds; schools be prohibited from borrowing from the revolving loan fund to pay their required share of the capital contributions to student loan funds; and loans to schools from the revolving fund be exempted from the one-ninth school contribution required for federal capital contributions.

Provided that: loans to schools from the revolving fund be consistent, as the Secretary deems necessary, with the loan agreement provisions which govern federal capital contributions to schools and the loan funds which the contributions finance; the Secretary may specify, to assure the achievement of the revolving-fund-based loan program, the source (revenues or other assets or security) from which the school's obligation on a loan is to be repaid; and the Secretary shall determine the interest rate on loans to schools from the revolving fund based on probable losses and the going rate on comparable U.S. obligations.

Required the Secretary to reimburse the schools which borrow from the revolving fund for the following: 90 percent of the school's loss on defaulted loans; the difference between the interest the school pays to the revolving fund for a loan and the interest the school receives from loans to students financed with the revolving fund loan; the collection costs of the student loan program; and the principal canceled under the loan forgiveness provisions. Authorized appropriations without fiscal year limitation of the sums necessary for these requirements.

Limited the fiscal-year loan total from the revolving fund to the lesser of limitations specified in appropriation measures or the difference between $35,000,000 and the amount of federal capital contributions paid to student loan fund programs for that year.

Authorized the creation of a revolving fund to be located within the Treasury and available to the Secretary without fiscal year limitation. Specified that all sums appropriated after fiscal 1976 for HPEA student loan programs shall be available for payment into the revolving fund or for making federal capital contributions to student loan funds.

Provided that the revolving loan fund consist of appropriations paid into the fund, all interest payments and repayments of principal on loans made from the fund, and any other moneys, property, or assets derived from the operation of the fund. Listed expenditures from the fund to include all loans, expenses other than normal administrative, and operational costs of the Secretary. Authorized appropriations of $10,000,000 for fiscal 1967 to the revolving fund.

Authorized the Secretary, at the request of any school, to convert a federal-capital-contribution-based student loan program to a revolving-fund-based student loan program.

HEALTH MANPOWER ACT OF 1968 (PL 90–490)

*Loans*—Authorized appropriations for both fiscal 1970 and fiscal 1971 of $35,000,000 for student loans. Further authorized appropriations for fiscal years 1972, 1973, and 1974 of the sums necessary to enable students who have received loans for any academic year ending before July 1, 1971, to continue or complete their education.

Required that the repayment of loans begin one year after the end of full-time study (the previous grace period was three years).

Specified that the interest rate for all loans from the student loan fund be established at three percent.

Established a five-year extension to the 10 year repayment period for advanced professional training, including internships and residencies (continued the loan repayment deferral of up to three years for service in the Armed Forces and the Peace Corps). Stipulated that schools may require student loan repayments to be not less than $15 per month and that schools may assess penalty charges for late repayments of loans or failures to follow proper loan procedures.

Increased by $10,000,000 from $35 million to $45 million, a factor in determining the maximum fiscal-year total of loans made from the revolving fund.

Permitted a school to transfer to its HPEA scholarship fund up to 20 percent, or more if the Secretary approves, of its federal capital contributions for any fiscal year to its student loan fund.

Extended the Secretary's authority to make loans from the revolving fund from fiscal 1969 to fiscal 1971.

*Scholarships*—Extended to veterinary schools and students of veterinary medicine the provisions of the scholarship program.

Authorized for fiscal years 1970 and 1971 the extension of the existing scholarship program. Provided for fiscal years 1972, 1973 and 1974 the necessary grants to enable schools to continue scholarship awards to students who received scholarships from grants issued to the schools before fiscal 1972.

Amended the eligibility requirements for scholarship awards by stipulating that students be of exceptional financial need instead of the previous requirement that they be from low income families.

Permitted a school to transfer to its capital-contribution-based student loan fund up to 20 percent, or more if the Secretary approves, of its scholarship grants for any fiscal year.

AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT, 1971 (PL 92–52)

*Loans*—Authorized appropriations for fiscal 1972 of $35,000,000 for student loans. Authorized to be appropriated such sums as necessary for fiscal years 1973, 1974, and 1975 to enable students who have received loans for any academic year ending before July 1, 1972, to continue or complete their education.

Extended the Secretary's authority through fiscal 1972 to make loans from the revolving fund.

*Scholarships*—Extended the existing scholarship program through fiscal 1972. Authorized for fiscal years 1973, 1974, and 1975 the necessary grants to enable schools to continue scholarship awards to students who received scholarships from grants issued to the schools before fiscal 1972.

COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971 (PL 92–157)

*Loans*—Authorized appropriations of $55,000,000 and $60,000,000 for fiscal years 1973 and 1974 and increased the authorized appropriation for fiscal 1972 from $35,000,000 to $50,000,000. Substituted authorization to appropriate for fiscal years 1975, 1976, and 1977 the necessary sums to enable students who have received HPEA loans for any academic year ending before July 1, 1974, to continue or complete their education for the former provision that authorized the necessary funds for fiscal years 1973, 1974, and 1975.

Increased from $2,500 to $3,500 the loan ceiling per student for an academic year. Provided indefinite extensions of the 10-year repayment period, by repealing the five-year extension limit, for persons engaged in advanced professional training. Retained the existing three-year extension for service in the Armed Services or Peace Corps.

Extended the eligibility for loan forgiveness to include students of veterinary medicine, pharmacy, and podiatry (previously covered students of medicine, osteopathy, optometry, and dentistry.)

Amended the loan forgiveness provisions to provide to eligible health professionals who agree to practice for at least two years in a doctor shortage area with the following benefits: cancellation at the rate of 30 percent a year for the first two years and 25 percent for the third year of any outstanding educational loan (includes loans not issued under the HPEA Act); and payment under the authority of the Secretary, on or before the due date, of up to 85 percent of any educational loan that matures within the three-year period that an eligible health professional practices in a doctor shortage area. Eliminated the loan forgiveness provisions pertaining to health professionals serving in a rural area with low family income.

Provided for full forgiveness of any educational loan to students in both exceptionally needy circumstances and from low income or disadvantaged families who have stopped and failed to complete studies leading to their first professional degree and have not resumed or cannot be expected to resume their studies within two years of their previous termination. Extended eligibility to students of medicine, optometry, dentistry, veterinary medicine, osteopathy, pharmacy, or podiatry.

Authorized the Secretary to make loans to U.S. citizens studying full time in schools of medicine located outside the U.S. Required that loans to students studying in foreign medical schools be issued under the same conditions and terms, to the extent feasible, as loans to medical students in the U.S.

Limited eligibility for foreign medical school loans to students who: have applied to a U.S. medical school, have met the school's admission requirements, and have not been admitted because the number of qualified applicants exceeded the number of

openings in the school, and have not been accepted by any other U.S. medical school; or have, after completing the third year in a foreign medical school, passed an examination used to determine qualifications for transfer to a U.S. medical school, have applied for admission to a U.S. medical school, and have not been accepted.

Authorized appropriations for this program of $1,750,000 each year for fiscal 1972, 1973, and 1974.

*Scholarships*—Amended the formula for appropriating and allocating scholarship grants to schools as follows: for fiscal 1972 the grant to each school shall equal $3,000 times one-tenth the number of full-time students; for fiscal years 1973 and 1974 the grant to each school shall equal the greater of $3,000 times the number of full-time students from low income backgrounds or $3,000 times one-tenth the number of full time students.

Authorized appropriations for fiscal years 1975, 1976, and 1977 of the sums necessary to enable schools to continue scholarship awards to students who received scholarships from grants issued to the school before fiscal 1975.

Increased from $2,500 to $3,500 the maximum scholarship award to a student per year.

Authorized the Secretary to make scholarship grants to U.S. citizens studying in foreign medical schools. Stipulated that eligible students must be of exceptional financial need and must agree to practice medicine in the U.S. for a five-year period. Limited eligibility for foreign medical school scholarships to students who: have applied to a U.S. medical school, have met the school's admission requirements, and have not been admitted because the number of qualified applicants exceeded the number of openings in the school, and have not been accepted by any other U.S. medical school; or have, after completing the third year in a foreign medical school, passed an examination used to determine qualifications for transfer to a U.S. medical school, have applied for admission to a U.S. medical school, and have not been accepted.

Limited foreign scholarships to a maximum $3,500 a year per student and stipulated that scholarships may cover tuition, fees, books, equipment, and living costs. Specified that scholarships grants shall be made only after consultation with the National Advisory Council on Health Professions Education.

Authorized appropriations of $150,000 for each of fiscal years 1972, 1973, and 1974 for scholarship grants to U.S. students in foreign medical schools. Further authorized appropriations for fiscal years 1975, 1976, and 1977 of the necessary sums to enable the Secretary to continue scholarship grants to foreign medical students who have received scholarship grants from funds made available to the Secretary before fiscal 1975.

Authorized the Secretary to make scholarship grants to medical students who agree to engage in primary care practice after their professional training in a physician shortage area or in an area that assures a substantial portion of their practice will consist of migratory agricultural workers or their families.

Authorized appropriations for the physician shortage scholarship grant program of $2,500,000 for fiscal year 1972, $3,000,000 for fiscal year 1973, and $3,500,000 for fiscal 1974. Authorized appropriations for fiscal years 1975, 1976, and 1977 of the necessary sums to continue scholarship grants under this program to eligible students who have received grants under this program prior to fiscal 1975.

Required the Secretary, when awarding the grants, to accord priority to the applicants as follows: (1) applicants from low-income backgrounds who reside in physician shortage areas and agree to practice there after their profesisonal training; (2) applicants who reside in physician shortage areas and agree to practice there after their professional training; (3) applicants from low income backgrounds; and (4) all other applicants.

Limited scholarship grants under this program to a maximum $5,000 per student per year. Required from students one year of practice in an area with a physician shortage or a substantial number of migratory workers for each year of scholarship aid. Provided that students receiving scholarship grants for four years will be required to practice for only three years in the specified areas if they serve all their internship and residency in a physician shortage area or an area with a substantial number of migratory workers.

EMERGENCY HEALTH PERSONNEL ACT AMENDMENTS OF 1972 (PL 92-585)

*Loans*—Added, as a condition for receiving loan forgiveness payments, that eligible individuals may enter into an agreement with the Secretary to practice their profession as a member of the National Health Service Corps in a health manpower shortage area for at least two years.

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CONSTRUCTION ASSISTANCE

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE ACT OF 1963 (PL 88-129)

Authorized appropriations of $175,000,000 over a three-year period from fiscal 1964 through fiscal 1966. Distributed the $175,000,000 as follows: $105,000,000 to assist in the construction of new teaching facilities for the training of physicians, osteopaths, pharmacists, optometrists, podiatrists, nurses, or professional public health personnel; $35,000,000 to assist in the construction of new teaching facilities for the training of dentists; $35,000,000 to replace or rehabilitate existing teaching facilities for the training of physicians, pharmacists, optometrists, podiatrists, nurses, professional public health personnel, or dentists.

Stipulated that, to be eligible for a construction grant, an applicant must be a public or non-profit school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing, or public health and be accredited or, in the case of new school, give reasonable assurance that it will be accredited by a body recognized by the Commissioner of Education. Extended eligibility for a construction grant to any hospital affiliated with a school of medicine or osteopathy whose application is filed by a public or nonprofit agency which is qualified to do so under section 631 of the Public Health Service Act.

Limited grants for the construction of a hospital facility (as defined by section 625 of the PHS Act) to that portion of the project which the Surgeon General determines is necessary to meet the training needs of a new or expanded school or to prevent the curtailment of enrollment or quality of training in a school with renovated or rehabilitated facilities.

Required that grants for construction may be awarded only after the Surgeon General has approved them upon his determination that: the applicant has met all the requirements for eligibility; the facility will be used for at least 10 years for the purpose for which it was constructed; sufficient funds will be available to meet the non-federal share of construction; sufficient funds will be available to assure effective use of the facility; the first-year enrollment in an expanded medical, dentistry, osteopathy, pharmacy, optometry, podiatry, or public health school during each of the first 10 years after the completion of construction will exceed the highest first-year enrollment at the school during any of the five years preceding the application by the greater of at least five percent, or by five students.

Limited grants from authorized funds to aid in the construction of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing, or public health or the expansion of the training capacity of existing facilities and to aid in the rehabilitation or replacement of the above schools' facilities to prevent enrollment curtailment or training quality impairment.

Required that an application for aid to construct a hospital or diagnostic or treatment center had been previously submitted under the Hill-Burton hospital construction program and denied because of lack of priority and state funds.

Required that all applications for construction assistance guarantee minimum standards in construction and equipment in arcordance with regulations and that the construction workers be paid as high as the prevailing wage rate in the locality as determined by the Davis-Bacon Act.

Required that the Surgeon General along with the National Advisory Council on Education for Health Professions consider the geographical distribution of facilities and availability of facilities and health personnel; and consider the relationship of the applicant to a state, regional, or other interstate planning agency.

Limited the federal grants to payment generally of 50 percent of the construction costs but permitted payment of 66⅔ percent of the construction costs in major expansions of training facilities and 75 percent of the construction costs in the case of public health facilities.

Stipulated that the federal government was entitled to recover funds within 10 years of the completion of a facility if: the applicant or other owner of the facility ceases to be a public or non-profit school; the applicant or other owner of an affiliated hospital ceases to be a public or nonprofit agency qualified to file an application under section 631 of the PHS Act; the facility ceases to be used for purposes for which it was constructed; or the facility is used for religious instruction or as a place of religious worship.

Denied the federal government authority to exercise any direction, supervision, or control over the personnel, curriculum, or administration of any institution which receives aid.

Directed the Surgeon General to prescribe general regulations and authorized him to provide technical assistance and consultative services to state or interstate planning agencies for relieving shortages of training capacity in the fields of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing and public health.

NURSE TRAINING ACT OF 1964 (PL 88-581)

Excluded, beginning in fiscal 1966, nurses and nurses' training from consideration under the Health Professions Educational Assistance Act of 1963.

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AMENDMENTS OF 1965 (PL 89-290)

Extended for three years, from fiscal 1967 through fiscal 1969, the existing programs of aid in the construction of new teaching facilities and the replacement or rehabilitation of existing facilities for the training of physicians, osteopaths, dentists, pharmacists, optometrists, podiatrists, and professional public health personnel. Authorized to be appropriated for three fiscal years for construction $480,000,000. Required that sums appropriated remain available until expended.

VETERINARY MEDICAL EDUCATION ACT OF 1966 (PL 89-709)

Included veterinarians and veterinarians' training in the construction assistance program of the Health Professions Educational Assistance Act. Provided no additional authorization of appropriations.

HEALTH MANPOWER ACT OF 1968 (PL 90-490)

Extended for two years, fiscal 1970 and fiscal 1971, the existing program of construction assistance and authorized $170,000,000 to be appropriated for construction in fiscal 1970 and $225,000,000 in fiscal 1971. Stipulated that the funds appropriated must remain available for obligation for two fiscal years.

Permitted the maximum federal share of construction costs to rise to 66⅔ percent when special circumstances, determined by the Secretary of HEW, require a larger percentage of federal funds to achieve the purpose of the construction program. For all other cases, the federal share of construction costs remained at their previous percentage levels.

Increased to 20 years the period of time in which the federal government can recover funds from grant recipients who fail to fulfill their responsibilities under the Act.

Permitted schools to apply for a grant under the Act for the construction of a multipurpose facility on the condition that the facility's primary purpose is teaching, even though other purposes may include research or a medical library. Permitted schools to include in the construction project space for continuing or advanced education.

COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971 (PL 92-157)

Extended for three years from fiscal 1972 through fiscal 1974, the existing programs of construction assistance and authorized appropriations of $225,000,000 in fiscal 1972, $250,000,000 in fiscal 1973, and $275,000,000 in fiscal 1974. Repealed the existing two year availability of appropriated funds.

Extended to outpatient facilities the same privileges and eligibility requirements that exist for affiliated hospitals under the Act. Extended the eligibility for construction grants to hospitals and outpatient facilities affiliated with schools of dentistry (previously only those facilities affiliated with schools of medicine and osteopathy were eligible).

Increased the maximum federal share of construction costs to 70 percent; but allowed 80 percent in unusual circumstances such as a school in a doctor shortage area, and 80 percent for a new school or major expansion.

Expanded the definition of construction to include the acquisition of existing buildings but not the land on which they stand and the definition of teaching facilities to provide aid for interim facilities.

Initiated a loan guarantee program for private, non-profit health professions schools with the following: provides loan guarantees which may apply up to 90 percent of the loan and three percent interest subsidies; authorizes appropriations for interest payments of $8,000,000 for fiscal 1972, $16,000,000 for fiscal 1973, and $24,000,000 for fiscal 1974; generally prohibits loan guarantees whenever a loan guaranteed and a grant issued under the Act exceed 90 percent of the construction cost of a project; and prohibits loan guarantees and interest subsidies whenever such guarantees and subsidies would cause the cumulative total of guaranteed, subsidized loans to exceed obligated grant funds in the same fiscal year, unless obligated grant funds equal appropriations.

Required that applications for grants to aid in the construction of new schools of medicine, osteopathy, or dentistry be given special consideration if they contain assurances that the use of existing facilities (including federal medical or dental facilities) will accelerate the school's opening.

Required review by state and area health planning agencies of projects which include the provision of health services.

Exempted schools from the enrollment increase required for a construction grant if the school has a waiver because of inadequate physical facilities from the enrollment increase required for an institutional support grant and provides assurances that first year enrollment in each of the first 10 years after completion of construction will match the enrollment increase required for an institutional support grant.

OTHER PROGRAMS

HEALTH MANPOWER ACT OF 1968 (P.L. 90-490)

*HPEA report*—Required the Secretary, in consultation with the National Advisory Council on Health Professions Educational Assistance and the National Advisory Council on Education for Health Professions, to submit to the President and Congress before July 1, 1970, a report on the administration of the HPEA Act construction, student loan, institutional support, and scholarship grant sections of the PHS Act, including an appraisal of the adequacy of these programs to meet the long term needs for health professionals and recommendations of the Secretary as a result of these appraisals.

COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971 (PL 92-157)

*Computer technology grants*—Authorized $5,000,000 for fiscal 1972, $10,000,000 for fiscal 1973, and $15,000,000 for fiscal 1974 for grants by the Secretary to public or non-profit schools, agencies, organization, institutions, or combinations; to plan and develop free-standing or university-based computer labs for the processing of biomedical information; and to research, through computer technology, the functions performed by physicians to determine which functions could be performed by other property trained personnel.

*Family medicine traineeships*—Authorized appropriations of $25,000,000 for fiscal 1972, $35,000,000 for fiscal 1973, and $40,000,000 for fiscal 1974 for grants by the Secretary to public or non-profit private hospitals for: professional training programs in the family medicine field for medical students, interns, residents, and practicing physicians; traineeships and fellowships for participants in the family medicine training program who plan to enter into that practice area; and other approved training programs in family medicine.

*HMEIAs*—Established health manpower education initiative awards. Authorized the Secretary to make grants to public or non-profit private health or educational entities and to enter into contracts with private or public health or educational entities for projects: to establish or maintain programs to alleviate shortages of health personnel in designated areas; to provide training programs to utilize health personnel more efficiently; to initiate or improve training of health personnel including teachers, administrators, specialists, and paraprofessionals; to emphasize the team approach to health services delivery; and to assist state, local, or regional groups to carry out the purpose of the projects.

Provided that the Secretary may also make grants and contracts for: information gathering for; planning, development, demonstration, establishment, or maintenance of; or the alteration and renovation of existing facilities for, any health manpower education initiative award project.

Authorized the Secretary to make grants to public or non-profit private health or educational entities to meet the costs of special projects to: encourage enrollment of students likely to practice in a health professions shortage area in HPEA Act, public health, or other health training schools; to encourage enrollment of individuals who are financially and otherwise disadvantaged because of socioeconomic factors in a HPEA Act school or, if not qualified, in the appropriate post-graduate program needed to qualify for an HPEA school; to publicize existing sources of financial aid; and to establish programs to facilitate the enrollment, pursuit, and completion of studies of minority students in HPEA Act schools. Stipulated that of the sums appropriated in a fiscal year for health manpower initiative awards not more than 15 percent or less than $5,000,000 could be used to meet the costs of special projects. Specified further that of the sums available to meet the costs of special projects not more than 50 percent could be used for the health professional shortage project or 50 percent for the remaining projects.

Required that each grant made by the Secretary to public or non-profit private health or educational entities or each contract entered into by the Secretary with public or non-profit private health or educational entities for projects must be coordinated with the appropriate regional medical program. Provided that the Secretary shall determine the amount of each health manpower education initiative award grant.

Authorized appropriations of $45,000,000 for fiscal 1972, $90,000,000 for fiscal 1973, and $135,000,000 for fiscal 1974 for health manpower education initiative awards. Specified that the sums appropriated for fiscal 1972 shall remain available for obligation through September 30, 1972.

*HPEA report*—Required the Secretary to prepare a report on the administration of the HPEA sections of the PHS Act. Stipulated that the report include: an estimate of increases in the number of people entering health professions before the enactment of the HPEA sections; an estimate of increases as a consequence of the enactment of the HPEA sections; an estimate of the relationship between the number of practitioners in the health professions and the public need; and an appraisal of the HPEA sections, including the amendments added by this Act, to meet the long term national health professional needs. Required the final report to be submitted to Congress by June 30, 1974.

*Health facilities construction cost report*—Required the Comptroller General to conduct a study of health facilities construction costs including the possibility of cost reduction through innovative techniques, new materials, and the possible waiver of unnecessarily costly federal standards. Specified that the report was to be completed and submitted to Congress one year after the enactment of this Act.

*Health professions education cost report*—Required the Secretary to arrange a study to determine the national average annual per student education costs of HPEA Act and nursing schools. Required the final report to be completed by January 1, 1974, and submitted to the appropriate Congressional committees. Specified that the report include recommendations concerning how the federal government can utilize educational cost per student data to determine the amount of capitation grants to each HPEA Act school. Authorized the Secretary to request the National Academy of Sciences to conduct the study.

*Primary care graduate training*—Authorized the Secretary to make annual grants to public or non-profit schools of medicine, osteopathy, or dentistry and to unaffiliated hospitals to support the educational costs of the first three years of full time approved graduate training programs in primary health of any other Secretary-designated health care field in which there is a physician, dentist or osteopath shortage. Authorized appropriations of $7,500,000 for fiscal 1973, and $15,000,000 for fiscal 1974 for graduate primary-care training grants.

Limited grants to any school or hospital for a fiscal year to $3,000 for each physician, dentist, or osteopath enrolled in a graduate primary care training program. Provided for the pro-rating of grants when approved applications exceed appropriations. Specified

that, for the purpose of determining the amount of the grant award, only first-year graduate trainees be counted in fiscal 1973 and first- and second-year trainees in fiscal 1974.

Provided that grants for graduate primary care training can be awarded only if the application: is approved by the Secretary upon his determination that the applicant meets the eligibility requirements; contains a specific program which the applicant will undertake to encourage dentists, physicians, and osteopaths to enroll in a graduate training program in primary health care or other Secretary-designated health care field in which there is a physician, dentist or osteopath shortage; contains assurances that the applicant will increase the number of graduate training positions in these areas; provides for fiscal control, accounting procedures, and access to records as the Secretary may require to assure the proper explanation of how the grant will be applied to meet the costs of the graduate training program; and contains any additional information which the Secretary may require.

Required the Secretary to: consult with the National Advisory Council on Health Professions Education before approving a grant application; define the areas, in consultation with the Council, included in the primary health care field and designate any other health care areas in which there is a physician, dentist, or osteopath shortage; and set annual, mandatory increases in the number of graduate trainees which must be met as a condition of the graduate training grant.

*Sex discrimination*—Specified that all applications for grants, loan guarantees, and interest subsidies by HPEA Act schools or public or allied health training centers must contain assurances satisfactory to the Secretary that the school or training center will not discriminate according to sex in its admissions policies. Prohibited the Secretary from entering into a contract with an HPEA Act school or public or allied health training center unless they furnish assurances satisfactory to the Secretary that they will not discriminate on the basis of sex in their admission policies.

*Teaching traineeships*—Authorized the Secretary to make grants to public or nonprofit HPEA Act schools for the training of, and traineeships and fellowships for the advanced training of, teaching personnel in the HPEA Act health fields. Authorized appropriations of $10,000,000 for fiscal 1972, $15,000,000 for fiscal year 1973, and $20,000,000 for fiscal 1974 for these grants. Required that a minimum of 75 percent of each grant had to be used for traineeships and fellowships.

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE ACT OF 1963 (PUBLIC LAW 88–129)

Established the National Advisory Council on Education for Health Professions which consisted of the Surgeon General and the Commissioner of Education as ex officio members and 16 members. Required that four members of the Council be from the general public and that 12 be from among leading authorities in the higher education fields with eight of the 12 particularly concerned with training in medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing, and public health.

Required the Council to advise the Surgeon General in preparation of general regulations and the review of applications.

Permitted members of the Council to receive compensation at the rate of up to $100 a day while serving at the request of the Surgeon General.

NURSE TRAINING ACT OF 1964 (PUBLIC LAW 88–581)

Removed the nursing profession from participation on the National Advisory Council on Education for Health Professions.

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AMENDMENTS OF 1965 (PUBLIC LAW 89–290)

Established the National Advisory Council on Medical, Dental, Optometric, and Podiatric Education. Stipulated that the Council shall consist of the Surgeon General as chairman and 12 members appointed by the Surgeon General without regard to civil service rules and for specified, staggered terms. Required that Council members be selected from the leading authorities in the fields of medical, dental, optometric, and podiatric education, except that three members must be selected from the general public.

Specified that the Council should advise the Surgeon General in the preparation of regulations and review of applications in the areas of institutional support and scholarship grants.

Permitted members of the Council to receive compensation at the rate of up to $100 a day while serving at the request of the Surgeon General.

VETERINARY MEDICAL EDUCATION ACT OF 1966 (PUBLIC LAW 89–709)

Expanded the National Advisory Council on Education for Health Professions to include the veterinary profession. Increased the membership of the Council from 16 to 17 and required nine, instead of eight, members to be particularly concerned with training in the field of medicine, dentistry, osteopathy, pharmacy, podiatry, veterinary medicine, or public health.

PARTNERSHIP FOR HEALTH AMENDMENTS OF 1967 (PUBLIC LAW 90–174)

Increased from 12 to 13 the number of members on the National Advisory Council on Education for Health Professions who must be selected from among the leading authorities in the fields of higher education.

HEALTH MANPOWER ACT OF 1968 (PUBLIC LAW 90–490)

Changed the name of the National Advisory Council on Medical, Dental, Optometric, and Podiatric Education to the National Advisory Council on Health Professions Educational Assistance. Expanded the Council from 12 to 14 members and permitted the pharmacy and veterinary medicine professions to participate on the Council.

AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT, 1970 (PUBLIC LAW 91–515)

Repealed the provision permitting members of the National Advisory Council on Education for Health Professions and the National Advisory Council on Health Professions Educational Assistance to receive compensation.

COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971 (PUBLIC LAW 92–157)

Consolidated the functions of the National Advisory Council on Education for Health Professions and the National Advisory Council on Health Professions Educational Assistance into the National Advisory Council on Health Professions Education.

Specified Council membership to include the Secretary as chairman and 20 members appointed by the Secretary. Required four members to be from the general public and two members to be full time students in HPEA Act schools.

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Mr. KENNEDY. Mr. President, I ask unanimous consent to include the texts of the bills at this point.

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

S. 3585

A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes

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

SHORT TITLE; REFERENCE TO ACT

SECTION 1. (a) This Act may be cited as the "Health Professions Educational Assistance Act of 1974".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—GENERAL PROVISIONS

SEC. 101. (a) Sections 701 through 711 are repealed.

(b) Sections 724, 725, 799, and 799A are transferred to part A of title VII and are redesignated as sections 701, 702, 703, and 704, respectively.

(c) Section 701 (as so redesignated) is amended—

(1) by striking out "As used in this part and parts C, E, and F—" and inserting in lieu thereof "For purposes of this title:"; and

(2) by inserting "or an equivalent degree" after "degree in public health" in paragraph (4).

(d) Section 702 (as so redesignated) is amended by (1) striking out "twenty" in subsection (a) and inserting in lieu thereof "twenty-two;" (2) striking out the second sentence of paragraph (a) and inserting in lieu thereof the following: "The appointed members of the Council shall include (1) eight representatives of the health professions schools assisted under programs authorized by this title, including one each from the schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, and public health, (2) eight full-time students enrolled in such health professions schools, including one each from the schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, and public health, and (3) four members of the general public", and (3) striking out "parts A and G" in subsections (b) and (c) and inserting in lieu thereof "part G".

(e) Section 703 (as so redesignated) is amended to read as follows:

"ADVANCE FUNDING

"SEC. 703. An appropriation under an authorization of appropriations for grants or contracts under this title for any fiscal year may be made at any time before that fiscal year and may be included in an Act making an appropriation under such authorization for another fiscal year; but no funds may be made available from any appropriation under such authorization for obligation for such grants or contracts before the fiscal year for which such appropriation is authorized.".

(f) Section 704 (as so redesignated) is amended by adding at the end thereof the following: "In the case of a school of medicine which—

"(1) on the date of the enactment of this sentence is in the process of changing its status as an institution which admits only female students to that of an institution which admits students without regard to their sex, and

"(2) change is being carried out in accordance with a plan approved by the Secretary,

the provisions of the preceding sentences of this section shall apply only with respect to a grant, contract loan guarantee, or interest subsidy to, or for the benefit of such a school for a fiscal year beginning after June 30, 1979.".

(g) Part A of title VII is amended by adding at the end thereof the following new section:

"DELEGATION

"SEC. 705. The Secretary may delegate the authority to administer any program authorized by this title to the administration of a central office or offices in the Department of Health, Education, and Welfare, but such authority shall not be further delegated to any officer in any regional office or offices."

(h) If, within twenty years (or ten years in the case of a facility constructed with funds paid under part A as in effect before the date of the enactment of the Health Professions Educational Assistance Act of 1974) after completion of the construction of any facility for which funds have been paid under such part A (as so in effect) or under part D (as in effect before July 1, 1967)—

(1) the applicant for such funds or other owner of such facility shall cease to be a public or nonprofit private entity, or

(2) such facility shall cease to be used for the purposes for which such funds for its construction were provided, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so,

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.

(i) The heading for part A of title VII is amended to read as follows:

"PART A—GENERAL PROVISIONS".

(j) The heading for part H of title VII is repealed.

TITLE II—ASSISTANCE FOR CONSTRUCTION OF TEACHING FACILITIES

SEC. 201. Section 720 is amended to read as follows:

"GRANT AUTHORITY; AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 720. (a) The Secretary may make grants to assist in the construction of teaching facilities for the training of physicians, dentists, pharmacists, optometrists, podiatrists, veterinarians, and professional public health personnel.

"(b) There are authorized to be appropriated $275,000,000 for the fiscal year ending June 30, 1974, $100,000,000 for the fiscal year ending June 30, 1975, $125,000,000 for the fiscal year ending June 30, 1976, and $150,000,000 for the fiscal year ending June 30, 1977, and for each of the two succeeding fiscal years, for grants under this part.".

SEC. 202. (a) (1) Subsection (a) of section 722 is amended to read as follows:

"(a) The amount of any grant under this part for construction of a project shall be such amount as the Secretary determines to be appropriate after obtaining advice of the Council, except that no grant for any project may exceed 80 per centum of the necessary costs of construction, as determined by the Secretary, of such project."

(2) The amendment made by paragraph (1) shall take effect with respect to grants made under part B of title VII of the Public Health Service Act from appropriations under section 720 of such Act for fiscal years beginning after June 30, 1974.

(b) Subsection (d) of section 722 is amended by striking out "(within the meaning of part A of this title)".

SEC. 203. (a) Subsections (a) and (b) of section 729 are each amended by striking out "1974" and inserting in lieu thereof "1979".

(b) The second sentence of section 729(e) is amended by striking out "and $24,000,000 in the fiscal year ending June 30, 1974" and inserting in lieu thereof the following: "$24,000,000 in the fiscal year ending June 30, 1974, $2,000,000 for the fiscal year ending June 30, 1975, $2,500,000 for the fiscal year ending June 30, 1976, and $3,000,000 for the fiscal year ending June 30, 1977, and for each of the two succeeding fiscal years.".

SEC. 204. (a) Section 721(c) is amended—

(1) by striking out "section 770(f) of this Act" in paragraph (2) and inserting in lieu thereof "section 771";

(2) by striking out paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(3) by striking out "and" at the end of paragraph (5) (as so redesignated), by striking out the period at the end of paragraph (6) (as so redesignated) and inserting in lieu thereof "; and", and by inserting after paragraph (6) the following:

"(7) the application contains or is supported by adequate assurance that any laborer or mechanic employed by a contractor or subcontractors in the performance of work on the construction of the facility 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 the Act of March 3, 1931 (40 U.S.C. 276a—276a–5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards specified in paragraph (7) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.S. 276c).",

(4) by striking out "section 725" in the last sentence of such subsection and inserting in lieu thereof "section 702", and

(5) by adding at the end thereof the following: "The Secretary shall not approve any application under this part unless such application has been recommended for approval by the Council."

(b) Sections 726, 727, 728, and 729 are redesignated as sections 724, 725, 726, and 727, respectively.

TITLE III—STUDENT ASSISTANCE; NATIONAL HEALTH SERVICE CORPS

SEC. 301. (a) Section 740 is amended (1) by striking out "or veterinary medicine" in subsection (a) and inserting in lieu thereof ", veterinary medicine, or public health," (2) by striking "or doctor of veterinary medicine or an equivalent degree" in paragraph (4) and inserting in lieu thereof "doctor of veterinary medicine or an equivalent degree, or graduate degree in public health or an equivalent degree," (3) by striking out "and" at the end of paragraph (4), (4) by redesignating paragraph (5) as paragraph (6), and (5) by inserting after paragraph (4) the following new paragraph:

"(5) provide that the school shall advise, in writing, each applicant for a loan from the student loan fund of the provisions of section 741 under which outstanding loans from the student loan fund may be paid (in whole or in part) by the Secretary; and".

(b) Section 741 is amended—

(1) by amending subsection (a) to read as follows:

"(a) Loans from a student loan fund established under an agreement under section 740 may not exceed for any student for any academic year (or its equivalent) an amount equal to the sum of—

"(1) the cost of tuition for such year at the school for which such fund was established, and

"(2) $2,500."

(2) by striking out "or doctor of veterinary medicine" in subsection (b) and inserting in lieu thereof "doctor of veterinary medicine or an equivalent degree, or graduate degree in public health",

(3) by adding at the end of subsection (b) the following: "No loan shall be made under this section to any individual unless such individual agrees in writing to practice his profession in accordance with section 771(b),

(4) by (A) striking out "Such" in subsection (c) and inserting in lieu thereof "(1) Except as provided in paragraph (2), such" and (B) inserting at the end of such subsection the following new paragraph:

"(2) If, in the case of any individual who agrees in writing to practice his profession in accordance with section 771(b) and who is selected by the Secretary to provide service under such section, such individual fails either to begin his service obligation or to complete such service obligation in accordance with such section he shall be liable for the payment of an amount determined in accordance with the formula—

in which 'A' is the amount which such individual shall pay; '$\psi$' is the sum of the amount of any loan or loans paid to such individual under this section and the interest on such amount; 't' is the total number of months in such individual's period of obligated service; and 's' is the number of months of such period served by him in accordance with such section. Such amount shall, within the one-year period beginning on the date such amount becomes due, be paid by such individual. Such amount shall be in addition to any amount which such individual is obligated to pay under section 771(b).

(5) by striking out "or veterinary medicine" in subsection (c) and inserting in lieu thereof "veterinary medicine or public health",

(6) by striking out "or doctor of podiatry" in subsection (f) and inserting in lieu thereof "doctor of podiatry or an equivalent degree, or graduate degree in public health",

(7) by striking out "or podiatry" in subsection (f) and each place such phrase occurs in subsection (l) and inserting in lieu thereof "podiatry, or public health",

(8) by striking "30 per centum" each place it occurs insubsection (f)(2) and inserting in lieu thereof "50 per centum",

(9) by striking paragraph (C) of subsection (f)(2),

(10) by amending subsection (f)(1)(C) to read as follows:

"(C) who agrees in writing to practice his profession in accordance with section 771(b),", and

(11) by striking out "with the Secretary" in subsection (f)(2)(A).

(c) Subsection (a) of section 742 is amended to read as follows:

"(a) For the purpose of making Federal capital contributions into the student loan funds of schools which have established such funds under an agreement under section 740, there are authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1974, and for each of the five succeeding fiscal years. For the fiscal year ending June 30, 1980, and each of the two succeeding fiscal years there are authorized to be appropriated such sums as may be necessary to enable students who have received a loan under this part for any academic year ending before July 1, 1979, to continue or complete their education."

(d) Section 743 is amended by striking out '1977" each place it occurs and inserting in lieu thereof "1982".

(e)(1) Section 744 is repealed.

(2) The health professions education fund created within the Treasury by section 744(d)(1) of the Public Health Service Act shall remain available to the Secretary of Health, Education, and Welfare for the purpose of meeting his responsibilities respecting participations in obligations acquired under section 744 of such Act. The Secretary shall continue to deposit in such fund all amounts received by him as interest payments or repayments of principal on loans under such section 744. If at any time the Secretary determines the moneys in the fund exceed the present and any reasonable prospective future requirements of such fund, such excess may be transferred to the general fund of the Treasury.

(3) Section 742(b) is amended (1) by striking out ", and for loans pursuant to section 744" in paragraph (1); and (2) by striking out "(whether as Federal capital contributions or as loans to schools under section 744)" in paragraph (3).

(f)(1) Section 746 is repealed.

(2) Section 740 is amended (A) by striking out "of Health, Education, and Welfare" in subsection (a); and (B) by striking out ", except as provided in section 746," in paragraphs (2) and (3) of subsection (b).

(g)(1) Section 747(c) is amended by adding at the end thereof the following:

"(3)(A) No loan under this subpart shall be made to any individual unless such individual agrees in writing to practice his profession in accordance with section 771(b).

(2) Section 747(d) is amended by striking out "two" and inserting in lieu thereof "seven".

SEC. 302. (a) Subparts I and III of part F of title VII are repealed.

(b) The Secretary of Health, Education, and Welfare may, during the period beginning July 1, 1974, and ending June 30, 1979, make grants to public and nonprofit private schools of medicine, osteopathy, dentistry, optometry, podiatry, pharmacy, and veterinary medicine to enable such schools to continue making payments under scholarship awards to students who initially received such awards out of grants made to the schools under part F of title VII of the Public Health Service Act for fiscal years ending before July 1, 1974.

SEC. 303. (a) Section 329 is amended to read as follows:

"NATIONAL HEALTH SERVICES CORPS

"SEC. 329. (a) There is established, within the Service, the National Health Service Corps (hereinafter in this section referred to as the 'Corps') which shall consist of those officers of the Regular and Reserve Corps of the Service and such other personnel as the Secretary may designate and which shall be utilized by the Secretary under this section to improve the delivery of health services to medically undeserved populations.

"(b)(1) The Secretary shall designate the medically underserved populations in the States. For purposes of this section, a medically underserved population is the population of an urban or rural area (which does not have to conform to the geographical boundaries of a political subdivision and which should be a rational area for the delivery of health services) which the Secretary determines has a critical shortage of health professions personnel or a population group determined by the Secretary to have such a shortage; and the term 'State' includes Guam, American Samoa, and the Trust Territory of the Pacific Islands. In designating medically underserved populations, the Secretary shall take into account (A) the recommendations of the entities responsible for the development of the plans referred to in section 314(b) which cover all or any part of the areas in which populations under consideration for designation reside, and (B) in the case of any such area for which no such entity is responsible for developing such a plan, the recommendations of the agency of the State (or States) in which such area is located which administers or supervises the administration of a State plan approved under section 314(a).

"(2) Any person may apply to the Secretary (in such manner as he may prescribe) for the designation of a population as a medically underserved population. In considering an application under this paragraph, the Secretary shall take into account the following in addition to criteria utilized by him in making a designation under paragraph (1):

"(A) Ratios of available health professions personnel to the population for which the application is made.

"(B) Indicators of the population's access to health services.

"(C) Indicators of health status of the population.

"(D) Indicators of such population's need and demand for health services.

"(E) Relative levels of reimbursement under titles XXIII and XIV of the Social Security Act with respect to such population.

"(3) The Secretary shall (A) provide assistance to persons seeking assignment of Corps personnel to provide under this section health services for medically underserved populations, (B) conduct such information programs (including the provision of information regarding the National Health Service Corps to appropriate State and local agencies and to the public) in areas in which such populations reside as may be necessary to inform the public and private health entities serving those areas of the assistance available to such populations by virtue of their designation under this section as medically underserved, and (C) provide technical (including management) assistant to such persons (especially appropriate State and local agencies in order to improve the capacity of such medically underserved popula-

tions to secure health services from health professions personnel in addition to that provided by Corps personnel.

"(c)(1)(A) The Secretary may assign personnel of the Corps to provide, under regulations prescribed by the Secretary, health services for a medically underserved population if—

"(i) the State health agency of each State in which such population is located or the local public health agency or any other public or nonprofit private health entity serving such population makes application to the Secretary for such assignment, and

"(ii) the (I) local government of the area in which such population resides, and (II) any State and district medical or dental society for such area or any other appropriate health society (as the case may be), for such area certify to the Secretary that such assignment Corps personnel is needed for such population.

"(B) The Secretary may not approve an application under paragraph (1)(A)(i) for an assignment unless the applicant agrees to enter into an arrangement with the Secretary in accordance with subsection (e)(1) and has afforded—

"(i) the entity responsible for the development of the plans referred to in section 314(b) which covers all or any part of the area in which the population for which the application is submitted resides, and

"(ii) if there is a part of such area for which no such entity is responsible for developing such plans, the agency of the State in which such part is located which administers or supervises the administration of a State plan approved under section 314(a), an opportunity to review the application and submit its comments to the Secretary respecting the need for and proposed use of health professions personnel requested in the application, the Secretary shall take into consideration the need of the population for which the application was submitted for the health services which may be provided under this section; the willingness of the population and the appropriate governmental agencies or health entities serving it to assist and cooperate with the Corps in providing effective health services to the population; and recommendations from medical, dental, or other health professional societies or from medical personnel serving the population.

"(C) If with respect to any proposed assignment of Corps personnel for a medically underserved population the requirements of clauses (i) and (ii) of subparagraph (A) are met except for the certification by a State and district medical or dental society or by any other appropriate health society required by clause (ii) (II) and if the Secretary finds from all the facts presented that such certification has clearly been arbitrarily and capriciously withheld, the Secretary may, after consultation with appropriate medical, dental, or other health professional societies, waive the application of the certification requirement to such proposed assignment.

"(2)(A) In approving an application submitted under paragraph (1) for the assignment of Corps personnel to provide health services for a medically underserved population, the Secretary may approve the assignment of Corps personnel for such population during a period (referred to in this paragraph as the 'assistance period') which may not exceed four years from the date of the first assignment of Corps personnel for such population after the date of the approval of the application. No assignment of individual Corps personnel may be made for a period ending after the expiration of the applicable approved assistance period.

"(B) Upon expiration of an approved assistance period for a medically underserved population, no new assignment of Corps personnel may be made for such population unless an application is submitted in accordance with paragraph (1) for such assignment. The Secretary may not approve such an application unless—

"(i) the application and certification requirements of paragraph (1) are met;

"(ii) the Secretary has conducted an evaluation of the continued need for health professions personnel of the population for which the application is submitted, of the utilization of the manpower by such population, growth of the health care practice of the Corps personnel assigned for such population, and of community support for the assignment; and

"(iii) the Secretary has determined that such population has made continued efforts to secure its own health professions personnel, that there has been sound fiscal management of the health care practice of the Corps personnel assigned for such population, including efficient collection of fee-for-service, third-party, and other funds available to such population, and that there has been appropriate and efficient utilization of such Corps personnel.

"(3) Corps personnel shall be assigned to provide health services for a medically underserved population on the basis of the extent of the population's need for health services and without regard to the ability of the members of the population to pay for health services.

"(4) The Secretary may assign to serve any medically underserved population, such as Corps personnel from among one or more of the various professions (including physicians, dentists, nurses, veterinarians, optometrists, podiatrists, pharmacists, public health personnel, and allied health personnel) as he determines to be essential to meet the needs of such population.

"(5) In making an assignment of Corps personnel the Secretary shall seek to match characteristics of the assignee (and his spouse (if any)) and of the population to which such assignee may be assigned in order to increase the likelihood of the assignee remaining to serve the population upon completion of his assignment period. The Secretary shall, before the expiration of the last nine months of the assignment period of a member of the Corps, review such member's assignment and the situation in the area to which he was assigned for the purpose of determining the advisability of extending the period of such member's assignment.

"(6) The Secretary shall provide technical assistance to all medically underserved populations to which are not assigned Corps personnel to assist in the recruitment of health professions personnel. The Secretary shall also give such populations current information respecting public and private programs which may assist in securing health professions personnel for them.

"(d)(1) In providing health services for a medically underserved population under this section, Corps personnel shall utilize the techniques, facilities, and organizational forms most appropriate for the area in which the population resides and shall, to the maximum extent feasible, provide such services (A) to all members of the population regardless of their ability to pay for the services, and (B) in connection with (i) direct health services programs carried out by the Service; (ii) any direct health services program carried out in whole or in part with Federal financial assistance; or (iii) any other health services activity which is in furtherance of the purposes of this section.

"(2)(A) Notwithstanding any other provision of law, the Secretary (i) shall, to the extent feasible, make such arrangements as he determines necessary to enable Corps personnel in providing health services for a medically underserved population to utilize the health facilities of the areas in which the population resides, and (ii) shall make such arrangements as he determines are necessary for the use of equipment and supplies of the Service and for the lease or acquisition of other equipment and supplies, and may secure the temporary services of nurses and allied health professionals.

"(B) If such area is being served (as determined under regulations of the Secretary) by a hospital or other health care delivery facility of the Service, the Secretary shall, in addition to such other arrangements as the Secretary may make under subparagraph (A), arrange for the utilization of such hospital or facility by Corps personnel in providing health services for the population, but only to the extent that such utilization will not impair the delivery of health services and treatment through such hospital or facility to persons who are entitled to health services and treatment through such hospital or facility. If there are no health facilities in or serving such area, the Secretary may arrange to have Corps personnel provide health services in the nearest health facilities of the Service or the Secretary may lease or otherwise provide facilities in such area for the provision of health services.

"(3) The Secretary may make one grant to any applicant with an approved application under subsection (c) to assist it in meeting the costs of establishing medical practice management systems for Corps personnel, acquiring equipment for their use in providing health services, and establishing appropriate continuing education programs and opportunities for them. No grant may be made under this paragraph unless an application is submitted therefor and approved by the Secretary. The amount of any grant shall be determined by the Secretary, except that no grant may be made for more than $25,000.

"(4) Upon the expiration of the assignment of Corps personnel to provide health services for a medically underserved population, the Secretary (notwithstanding any other provision of law) may sell to the entity which submitted the last application approved under subsection (c) for the assignment of Corps personnel for such population equipment of the United States utilized by such personnel in providing health services. Sales made under this paragraph shall be made for the fair market value of the equipment sold (as determined by the Secretary).

"(e)(1) The Secretary shall require as a condition to the approval of an application under subsection (c) that the entity which submitted the application enter into an appropriate arrangement with the Secretary under which—

"(A) the entity shall be responsible for charging in accordance with paragraph (2) for health services by the Corps personnel to be assigned;

"(B) the entity shall take such action as may be reasonable for the collection of payments for such health services, including if a Federal agency, an agency of a State or local government, or other third party would be responsible for all or part of the cost of such health services if it had not been provided by Corps personnel under this section, the collection, on a fee-for-service or other basis, from such agency or third party the portion of such cost for which it would be so responsible (and in determining the amount of such cost which such agency or third party would be responsible, the health services provided by Corps personnel shall be considered as being provided by private practitioners); and

"(C) the entity shall be entitled to retain any amount collected by the entity in accordance with subparagraph (B).

The amount collected by an entity in accordance with subparagraph (B) which the entity is entitled to retain under subparagraph (C) shall be used by the entity to expand or improve the provision of health services to the population for which the

entity submitted an application under subsection (c) or to recruit and retain health prosessions personnel to provide health services for such population.

"(2) Any person who receives health services provided by Corps personnel under this section shall be charged for such services on a fee-for-service or other basis at a rate approved by the Secretary, pursuant to regulations, to recover the value of such services; except that if such person is determined under regulations of the Secretary to be unable to pay such charge, the Secretary shall provide for the furnishing of such services at a reduced rate or without charge.

"(f)(1) The Secretary shall conduct, at medical and nursing schools and other schools of the health professions and entities which provide training and education for the allied health professions, recruiting programs for the Corps. Such programs shall include the wide dissemination of written information on the Corps and visits to such schools by personnel of the Corps.

"(2) The Secretary may reimburse applicants for positions in the Corps for actual expenses incurred in traveling to and from their place of residence to an area in which they would be assigned for the purpose of evaluating such area with regard to being assigned in such area. The Secretary shall not reimburse an applicant for more than one such trip.

"(3) Commissioned officers and other personnel of the Corps assigned to provide health services for medically underserved populations shall not be included in determining whether any limitation on the number of personnel which may be employed by the Department of Health, Education, and Welfare has been exceeded.

"(4) The Secretary shall, under regulations prescribed by him, adjust the monthly rate of pay of each physician and dentist member of the Corps who is directly engaged in the delivery of health services to a medically underserved population as follows:

"(A) During the first thirty-six months in which such a member is so engaged in the delivery of health services, his monthly rate of pay shall be increased by an amount (not to exceed $1,000) which when added to the member's regular monthly rate of pay and allowances will provide a monthly income competitive with the average monthly income from an established practice of a member of such member's profession with equivalent training.

"(B) During the period beginning upon the expiration of the thirty-six months referred to in subparagraph (A) and ending with the month in which the member's regular monthly rate of pay and allowances is equal to or exceeds the monthly income he received for the last of such thirty-six months, the member shall receive in addition to his regular rate of pay and allowances an amount which when added to such regular rate equals the monthly income he received for such last month.

In the case of a member of the Corps who is directly engaged in the provision of health services to a medically underserved population in accordance with a service obligation incurred under section 750, the provision of this paragraph shall apply to such member upon satisfactory completion of such service obligation and the first thirty-six months of his being so engaged in the delivery of health care shall, for purposes of this paragraph, be deemed to begin upon such satisfactory completion.

"(g) The Secretary shall report to Congress no later than May 15 of each year—

"(1) the number and identity of all medically underserved populations in each of the States in the calendar year preceding the year in which the report is made and the number of medically underserved populations which the Secretary estimates will be designated under subsection (b) in the calendar year in which the report is made;

"(2) the number of applications filed in such preceding calendar year for assignment of Corps personnel under this section and the action taken on each such application;

"(3) the number and types of Corps personnel assigned in such preceding year to provide health services for medically underserved populations, the number and types of additional Corps personnel which the Secretary estimates will be assigned to provide such services in the calendar year in which the report is submitted, and the need (if any) for additional personnel for the Corps;

"(4) the recruitment efforts engaged in for the Corps in such preceding year, including the programs carried out under subsection (f)(1) and the number of qualified persons who applied for service in the Corps in each professional category;

"(5) the total number of patients seen and patient visits recorded during such preceding year in each area where Corps personnel were assigned;

"(6) the number of health professions personnel electing to remain after termination of their service in the Corps to provide health services to medically underserved populations and the number of such personnel who do not make such election and the reasons for their departure;

"(7) the results of evaluations made under subsection (c)(2)(B)(ii), and determinations made under subsection (c)(2)(B)(iii), during such preceding year; and

"(8) the amount (A) charged during such preceding year for health services by Corps personnel, (B) collected in such year by entities in accordance with arrangements under subsection (e)(1), and (C) paid to the Secretary in such year under such arrangements. "(h)(1) There is established a council to be known as the National Advisory Council on the National Health Service Corps (hereinafter in this section referred to as the 'Council'). The Council shall be composed of thirteen members appointed by the Secretary as follows:

"(A) Four members shall be appointed from the general public to represent the consumers of health care, at least two of whom shall be members of a medically underserved population for which Corps personnel are providing health services under this section.

"(B) Three members shall be appointed from the medical, dental, and other health professions and health teaching professions.

"(C) Three members shall be appointed from State health or health planning agencies.

"(D) Three members shall be appointed from the Service, at least two of whom shall be members of the Corps directly engaged in the provision of health services for a medically underserved population.

The Council shall consult with, advise, and make recommendations to, the Secretary with respect to his responsibilities in carrying out this section, and shall review and approve regulations promulgated by the Secretary under this section and section 750.

"(2) Members of the Council shall be appointed for a term of three years and shall not be removed, except for cause. Members may be reappointed to the Council.

"(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council shall be entitled to receive for each day (including traveltime) in which they are so serving the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, 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 (b) of title 5 of the United States Code for persons in the Government service employed intermittently.

"(i) To carry out the purposes of this section, there are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1974; $30,000,000 for the fiscal year ending June 30, 1975; $35,000,000 for the fiscal year ending June 30, 1976; and $40,000,000 for the fiscal year ending June 30, 1977 and for each of the two succeeding fiscal years.

(b)(1) The Secretary of Health, Education, and Welfare shall report to Congress (1) not later than September 1, 1974, the criteria used by him in designating medically underserved populations for purposes of section 329 of the Public Health Service Act, and (2) not later than January 1, 1975, the identity and number of medically underserved populations in each State meeting such criteria.

(2) The Secretary of Health, Education, and Welfare shall conduct or contract for studies of methods of assigning under section 329 of the Public Health Service Act, National Health Service Corps personnel to medically underserved populations and of providing health care to such populations. Such studies shall be for the purpose of identifying (A) the characteristics of health professions personnel who are more likely to remain in practice in areas in which medically underserved populations are located, (B) the characteristics of areas which have been able to retain health professions personnel, (C) the appropriate conditions for assignment of independent nurse practitioners and physician attenders in areas in which medically underserved populations are located, and (D) the effect that primary care residency training in such areas has on the health care provided in such areas and on the decisions of physicians who received such training respecting the areas in which to locate their practice.

(3) The Secretary of Health, Education, and Welfare shall (A) conduct or contract for the conduct of studies to determine factors responsible for the lack of adequate numbers of health professions personnel in medically underserved areas, (B) maintain continuous surveillance of the health status of such population, and (C) on the basis of information obtained under subparagraphs (A) and (B), develop adequate health professions personnel resource development programs applicable to such populations.

(c) The amendment made by subsection (a) which changed the name of the advisory council established under section 329 of the Public Health Service Act shall not be construed as requiring the establishment of a new advisory council under that section; and the amendment made by such subsection with respect to the composition of such advisory council shall apply with respect to appointments made to the advisory council after the date of the enactment of this Act.

SEC. 304. (a) Section 225 is transferred to part C of title VII, redesignated as section 750, and amended to read as follows:

"PUBLIC HEALTH AND NATIONAL HEALTH PROGRAM CORPS SCHOLARSHIP TRAINING PROGRAM

"SEC. 750. (a) The Secretary shall establish the Public Health and National Health Service Corps Scholarship Training Program (hereinafter in this section referred to as the 'program') to obtain trained health profession personnel (including physicians, dentists, nurses, veternarians, optometrists, podiatrists, pharmacists, public health personnel, and allied health personnel for the National Health Service Corps or other units of the Service.

"(b) To be eligible for acceptance in the program, an applicant for the program must—

"(1) be accepted for enrollment, or be enrolled, as a full-time student in an accredited (as determined by the Secretary) educational institution in a State which provides a course of study approved by the Secretary leading to a degree, doctor of medicine, a degree of doctor of osteopathy, a degree of doctor of dentistry or an equivalent

degree, a degree of bachelor of science in pharmacy or an equivalent degree, a degree of doctor of optometry or an equivalent degree, a degree of doctor of podiatry or an equivalent degree, a degree of doctor of veterinary medicine or an equivalent degree, a graduate degree in public health or an equivalent degree, a degree of bachelor of arts in nursing, a degree of bachelor of science in nursing, a degree of bachelor of nursing or an equivalent degree, a graduate degree in nursing, an associate degree in nursing, or an equivalent degree, or any other course of study approved by the Secretary for the training of nurses or allied health personnel;

"(2) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be eligible for selection for civilian service in the Service; and

"(3) agree in writing to serve, as prescribed by subsection (d) of this section, in the Commissioned Corps of the Service or as a civilian member of the Service.

To remain in the program an individual must pursue at such an institution such an approved course of study and maintain an acceptable level of academic standing in it.

"(c)(1)(A) Each participant in the program shall receive a scholarship for each approved academic year of training, not to exceed four years. A participant's scholarship shall consist of (i) an amount equal to the basic pay and allowances of a commissioned officer on active duty in pay grade O–1 with less than two years of service, and (ii) payment of the tuition expenses of the participant and all other educational expenses incurred by the participant, including fees, books, and laboratory expenses.

"(B) The Secretary may contract with an institution in which participants are enrolled for the payment to the institution of the tuition and other educational expenses of such participants. Payment to such institution may be made without regard to section 3648 of the Revised Statutes (31 U.S.C. 529).

"(2) When the Secretary determines that an institution has increased its total enrollment for the sole purpose of accepting members of the program, he may provide under a contract with such an institution for additional payments to cover the portion of the increased costs of the additional enrollment which are not covered by the institution's normal tuition and fees.

"(d)(1) Each participant in the program shall provide service as prescribed by paragraph (2) for a period of time (hereinafter in this section referred to as a 'period of obligated service') prescribed by the Secretary which may not be less than one year of such service for each academic year of training received under the program. A period of obligated service of any individual shall commence within six months after the date upon which such individual is licensed to practice his profession and such service shall continue without substantial interruption until such service is completed, except that for persons licensed to practice medicine or dentistry the commencement of a period of obligated service may be deferred by the Secretary for the period of time required to complete residency training if the National Health Service Crops approves such deferment. Periods of residency training shall not be creditable in satisfying a service obligation under this subsection.

"(2)(A) Except as provided in subparagraphs (B) and (C), an individual obligated to provide service on account of his participation in the program shall provide such service for the period of obligated service applicable to him as a member of the National Health Service Corps or the Indian Health Service.

"(B) If there are no positions available in the National Health Service Corps or the Indian Health Service at the time an individual is required by the Secretary to begin his period of obligated service, such individual shall serve in the clinical practice of his profession for such period as a member of the Federal Health Programs Service.

"(C) If there are no positions available in the National Health Service Corps, Indian Health Service, or the Federal Health Programs Service at the time an individual is required by the Secretary to begin his period of obligated service and neither the Corps nor any Service has a need at such time for a member of the profession for which such individual was trained, such individual shall serve for such period as a member of the Public Health Service in such units of the Department as the Secretary may prescribe.

"(e)(1) If, for any reason, a person fails to either begin his service obligation under this section in accordance with subsection (d) or to complete such service obligation, he shall be in default of the agreement entered into under this section and the United States shall be entitled to recover from such individual an amount determined in accordance with the formula

$$A=2\phi(t-s/t)$$

in which "A" is the amount the United States is entitled to recover; $\phi$ is the sum of the amount paid under this section to or on behalf of such person and the interest on such amount which would be payable if at the time it was paid it was a loan bearing interest at the maximum legal prevailing rate; "t" is the total number of months in such person's service obligation; and "s" is the number of months of such obligation served by him in accordance with subsection (d). Any amount which the United States is entitled to recover under this paragraph shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States.

"(2) When a person undergoing training in the program is academically dismissed or voluntarily terminates academic training or fails to obtain a license to practice his profession he shall be liable for repayment to the United States for an amount equal to the scholarship which he received under the program.

"(3) The Secretary shall by regulation provide for the waiver or suspension of any obligation of any individual under this section whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"(g) Notwithstanding any other provision of law, persons undergoing academic training under the program shall not be counted against any employment ceiling affecting the Department of Health, Education, and Welfare.

"(h) The Secretary shall issue regulations for the implementation of this section.

"(i) To carry out the program, there is authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977, and for each of the two succeeding fiscal years."

(b) Part C of title VII is amended by inserting immediately before section 750 the following title:

"Subpart III—Public Health and National Health Service Corps Scholarship Training Program"

SEC. 305. (a) Subpart II and section 785 of part F of title VII are transferred to part C and redesignated subpart IV and section 751, respectively.

(b) Subsection (b) of section 751 (as so redesignated) is amended (1) by striking out "to practice medicine in the United States for a period of five years." and inserting in lieu thereof "in accordance with subsection (d)(3)." and (2) by striking out the second sentence of such subsection.

(c) Subsection (d) of section 751 (as so redesignated) is amended by adding at the end thereof the following:

"(3)(A) No scholarship grant under this subpart shall be made to any individual unless such individual agrees in writing to practice his profession in accordance with section 771(b).

(d) Subsection (e) of section 751 (as so redesignated) is amended (1) by striking out "1972" and inserting in lieu thereof "1975" (2) by striking out "two" in paragraph (1) and inserting in lieu thereof "four" (3) by striking out "1975" and inserting in lieu thereof "1980" and (4) by striking out "1974" and inserting in lieu thereof "1979".

SEC. 306. The heading of part C of title VII is amended to read as follows:

"PART C—STUDENT ASSISTANCE".

TITLE IV—GRANTS FOR HEALTH PROFESSIONS SCHOOLS

SEC. 401. (a) Subsection (a) of section 770 is amended to read as follows:

"(a) GRANT COMPUTATION. The Secretary shall make annual grants to schools of medicine, osteopathy, public health, dentistry, veterinary medicine, optometry, pharmacy, and podiatry for the support of the education programs of such schools. The amount of the annual grant to each such school with an approved application shall be computed for each fiscal year as follows:

"(1) Each school of medicine shall receive—

"(A) $3,250 for each full-time student enrolled in such school in such year; and

"(B) $1,000 for each student who is enrolled in such year on a full-time basis in a program of such school for the training of physician extenders (as defined by regulations of the Secretary).

"(2) Each school of dentistry shall receive—

"(A) $2,475 for each full-time student enrolled in such school in such year; and

"(B) $1,000 for each student who is enrolled in such year on a full-time basis in a program of such school for the training of expanded duty dental auxiliaries (as defined by regulations of the Secretary).

"(3) Each school of osteopathy shall receive—

"(A) $2,350 for each full-time student enrolled in such school in such year; and

"(B) $1,000 for each student who is enrolled in such year on a full-time basis in a program of such school for the training of physician extenders.

"(4) Each school of public health shall receive $2,000 for each full-time student enrolled in such school in such year.

"(5) Each school of veterinary medicine shall receive $1,850 for each full-time student enrolled in such school in such year.

"(6) Each school of optometry shall receive $1,050 for each full-time student enrolled in such school in such year.

"(7) Each school of pharmacy (other than a school of pharmacy with a course of study of more than four years) shall receive $1,025 for each full-time student enrolled in such school in such year. Each school of pharmacy with a course of study of more than four years shall receive $1,025 for each full-time student enrolled in the last four years of such school. For purposes of section 771, a student enrolled in the first year of the last four years of such school shall be considered a first-year student.

"(8) Each school of podiatry shall receive $1,650 for each full-time student enrolled in such school in such year.".

(b) Subsection (c) of section 770 is amended to read as follows:

"(c) APPORTIONMENT OF APPROPRIATIONS.—If the total of the grants to be made in accordance with subsections (a) and (b) for any fiscal year to schools of medicine, oste-

opathy, public health, dentistry, veterinary medicine, optometry, pharmacy, or podiatry with approved applications exceeds the amounts appropriated under subsection (f) for such grants, the amount of the grant for that fiscal year to a school which may not because of such excess receive for that fiscal year the amount determined for it under such subsections shall be an amount which bears the same ratio to the amount so determined for it as the total of the amounts appropriated for that year under subsection (f) for grants to such schools bears to the amount required to make grants in accordance with subsections (a) and (b) to such schools.".

(c)(1) Subsections (d), (e), (f), and (g) of section 770 are repealed.

(2) Subsection (h) of section 770 is (A) redesignated as subsection (d), and (B) is amended to read as follows:

"(d) ENROLLMENT AND GRADUATION DETERMINATIONS.—

"(1) For purposes of this section and sections 771 and 772, regulations of the Secretary shall include provisions relating to determining the number of students enrolled in a school or in a particular year-class in a school, or the number of graduates, on the basis of estimates, on the basis of the number of students who in an earlier year were enrolled in a school or in a particular year-class or who were graduates, or on such other basis as he deems appropriate for making such determination, and shall include methods of making such determination when a school or a year-class was not in existence in an earlier year at a school.

"(2) For purposes of this section and sections 771 and 772, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree, doctor of osteopathy, bachelor of science in pharmacy or an equivalent degree, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or doctor of podiatry or an equivalent degree or to a graduate degree in public health or an equivalent degree.".

(3) Subsection (i) of section 770 is (1) amended by inserting ", public health" after "osteopathy", and (2) redesignated as subsection (e).

(4) Subsection (j) of section 770 is redesignated as subsection (f) and is amended to read as follows

"(f) AUTHORIZATIONS OF APPROPRIATIONS.—

"(1) There are authorized to be appropriated $176,00,000 for the fiscal year ending June 30, 1975, $182,000,000 for the fiscal year ending June 30, 1976, and $188,000,000 for the fiscal year ending June 30, 1977, and for each of the two succeeding fiscal years, for payments under grnats under this section to schools of medicine based on the number of full-time students enrolled in such schools.

"(2) There are authorized to be appropriated $7,559,000 for the fiscal year ending June 30, 1975, $8,531,000 for the fiscal year ending June 30, 1976, and $9,483,000 for the fiscal year ending June 30, 1977, and for each of the two succeeding fiscal years, for payments under grants under this section to schools of osteopathy based on the number of full-time students enrolled in such schools.

"(3) There are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1975, $3,000,000 for the fiscal year ending June 30, 1976, and $4,000,000 for the fiscal year ending June 30, 1977 and for each of the two succeeding fiscal years, for payments under grants under this section to schools of medicine and osteopathy based on the number of students enrolled in programs of such schools for the training of physician extenders.

'(4)(A) There are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1975, $3,000,000 for the fiscal year ending June 30, 1976, and $4,000,000 for the fiscal year ending June 30, 1977 and for each of the two succeeding fiscal years, for payments under grants under this section to schools of dentistry based on the number of students enrolled in programs of such schools for the training of expanded duty dental auxiliaries.

"(B) There are authorized to be appropriated $49,500,000 for the fiscal year ending June 30, 1975. $50,800,000 for the fiscal year ending June 30, 1976, and $52,000,000 for the fiscal year ending June 30, 1977 and for each of the two succeeding fiscal years, for payments under grants under this section to schools of dentistry based on the number of full-time students enrolled in such school.

"(5) There are authorized to be appropriated $11,000,000 for the fiscal year ending June 30, 1975, $12,000,000 for the fiscal year ending June 30, 1976, and $13,000,000 for the fiscal year ending June 30, 1977, and for each of the two succeeding fiscal years, for payments under grants under this section to schools of public health.

"(6) There are authorized to be appropriated $11,729,000 for the fiscal year ending June 30, 1975, $12,395,000 for the fiscal year ending June 30, 1976, and $12,950,000 for the first year ending June 30, 1977 and for each of the two succeeding fiscal years, for payments under grants under this section to schools of veterinary medicine.

"(7) There are authorized to be appropriated $3,832,500 for the fiscal year ending June 30, 1975, $3,958,500 for the fiscal year ending June 30, 1976, and $4,207,850 for the fiscal year ending June 30, 1977 and for each of the two succeeding fiscal years, for payments under grants under this section to schools of optometry.

"(8) There are authorized to be appropriated $25,625,000 for the fiscal year ending June 30, 1975, $25,625,000 for the fiscal year ending June 30, 1976, and $25,625,000 for the fiscal year ending June 30, 1977 and for each of the two succeeding fiscal years, for payments under grants under this section to schools of pharmacy.

"(9) There are authorized to be appropriated $3,027,750 for the fiscal year ending June 30, 1975, $3,316,500 for the fiscal year ending June 30, 1976, and $3,481,500 for the fiscal year ending June 30, 1977 and for each of the two succeeding fiscal years, for payments under grants under this section to schools of podiatry.

"(10) No funds appropriated under any provision of this Act (other than this subsection) may be used to make grants under this section."

(d) The heading for part E of title VII is amended to read as follows:

"PART E—GRANTS AND CONTRACTS TO IMPROVE THE QUALITY OF SCHOOLS OF MEDICINE, OSTEOPATHY, PUBLIC HEALTH, DENTISTRY, VETERINARY MEDICINE, OPTOMETRY, PHARMACY, AND PODIATRY".

SEC. 402. Part E of title VII is amended (1) by redesignating sections 771 and 772 as sections 772 and 773 respectively, and (2) by adding after section 770 the following new section:

"ELIGIBILITY FOR CAPITATION GRANTS

"SEC. 771. (a) IN GENERAL.—The Secretary shall not make a grant under section 770 to any school in a fiscal year beginning after June 30, 1974, unless the aplication for such grant contains or is supported by reasonable assurances satisfactory to the Secretary that—

"(1) the enrollment of full-time students in such school and—

"(A) in the case of a school of medicine or osteopathy, the enrollment of students on a full-time basis in a program of such school for the training of physician extenders, and

"(B) in the case of a school of dentistry, the enrollment of students on a full-time basis in a program of such school for the training of expanded duty dental auxiliaries, in the school year beginning after the beginning of the fiscal year in which such grant is made will not be less than the enrollment of such students in such school in the preceding school year; and

"(2) the applicant will expend in carrying out its functions as a school of medicine, osteopathy, public health, dentistry, veterinary medicine, optometry, pharmacy, or podiatry, as the case may be, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three years immediately preceding the fiscal year for which such grant is sought.

"(b)(1) The Secretary shall not make a grant under section 770 to any school in a fiscal year beginning after June 30, 1974, unless the application for such grant contains or is supported by reasonable assurances satisfactory to the Secretary that for the first school year beginning after such grant is made and for each school year thereafter during which such a grant is made such school shall require that each individual accepted for admission, as a condition of, and prior to, such admission, agree in writing to practice his profession (as a member of the National Health Service Corps or otherwise) in accordance with paragraph (2).

"(2)(A) Each individual shall be obligated to provide health services for a period of two years (hereinafter referred to as 'period of obligated service'). The period of obligated service shall be spent providing health services—

"(i) to a population designated under section 329 (b) as a medically underserved population, or

"(ii) in an area or at an institution designated by the Secretary to have a shortage of and need for individuals trained in his profession.

"(B) A period of obligated service of any individual shall commence within six months after the date upon which such individual is licensed to practice his profession and such service shall continue without substantial interruption until such service is completed, except that in the case of individuals who are licensed to practice medicine the commencement of such period of obligated service may be deferred for the period of time required to complete primary care residency training if such training is in family practice, internal medicine, pediatrics, or obstetrics and gynecology. Periods of residency training shall not be creditable in satisfying a service obligation under this subsection.

"(C)(i) The Secretary shall, for each year, establish the number of individuals in each profession needed to provide health services under this subsection for the populations and in the areas and institutions described in subparagraph (A) and shall select for service under this subsection such number of individuals in each profession from among all of the individuals in such profession who are obligated to begin their service obligation in such year. The selection of such individuals for service shall be made in an impartial and random manner, under such regulations as the Secretary shall prescribe.

"(ii) The Secretary shall assign those individuals selected in accordance with this subparagraph, to provide services for populations and in areas and institutions described in subparagraph (A). In making such assignments the Secretary shall apply the provisions of section 329(c) and (d), to the extent that they are consistent with the provisions of this subsection.

"(D) If, for any reason, an individual who is obligated to provide service under this subsection, and who has been selected by the Secretary under subparagraph (C), to provide such service, fails either to begin his service obligation or to complete such service obligation in accordance with this subsection the United States shall be entitled to recover from such individual an amount determined in accordance with the formula—

$$A = 2\emptyset(t - s/t)$$

in which 'A' is the amount the United States is entitled to recover; ∅ is the sum of the amount paid under section 770 to a school on the basis of the enrollment in such school of such individual and the interest on such amount which would be payable if at the time it was paid it was a loan bearing interest at the maximum legal prevailing rate; 't' is the total number of months in such individual's period of obligated service; and 's' is the number of months of such period served by him in accordance with this subsection. Any amount which the United States is entitled to recover shall, within the one-year period beginning on the date the United States becomes entitled to recover such amount, be paid by such individual to the United States.

"(3) The Secretary shall by regulation provide for the waiver or suspension of any obligation of any individual under this subsection whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"(4) When any individual undergoing training in any school subject to the provisions of this subsection is academically dismissed or voluntarily terminates academic training, or fails to obtain a license to practice his profession he shall not be obligated to provide service under this subsection unless he, at some subsequent date, completes such training and obtains a license to practice his profession.

"(c) SCHOOLS OF MEDICINE AND OSTEOPATHY.—The Secretary shall not make a grant under section 770 to any school of medicine or osteopathy in a fiscal year beginning after June 30, 1974, unless the application for such grant contains or is supported by reasonable assurances satisfactory to the Secretary that—

"(1) for the first school year beginning after the close of the fiscal year in which such grant is made and for each school year thereafter during which such a grant is made the first-year enrollment of full-time students in such school will exceed the number of such students enrolled in the school year beginning during the fiscal year ending June 30, 1974—

"(A) by 10 per centum of such number if such number was not more than one hundred, or

"(B) by 5 per centum of such number, or ten students, whichever is greater, if such number was more than one hundred; or

"(2) for the first school year beginning after the close of the fiscal year in which such grant is made and in each school year thereafter in which such a grant is made the number of students enrolled on a full-time basis in a program of such school for the training of physician extenders will not be less than twenty-five and for the second school year beginning after the close of the fiscal year in which such a grant is first made the number of students enrolled on a full-time basis in a program of such school for the training of physician extenders will exceed the number of such students so enrolled in the preceding school year by 25 per centum.

"(d) SCHOOLS OF DENTISTRY.—The Secretary shall not make a grant under section 770 to any school of dentistry in a fiscal year beginning after June 30, 1974, unless the application for such grant contains or is supported by reasonable assurances satisfactory to the Secretary that—

"(1) for the first school year beginning after the close of the fiscal year in which such grant is made and for each school year thereafter during which such a grant is made the first-year enrollment of full-time students in such school will exceed the number of such students enrolled in the school year beginning during the fiscal year ending June 30, 1974—

"(A) by 10 per centum of such number if such number was not more than one hundred, or

"(B) by 5 per centum of such number, or ten students, whichever is greater, if such number was more than one hundred; or

"(2) for the first school year beginning after the close of the fiscal year in which such grant is made and in each school year thereafter in which such a grant is made the number of students enrolled on a full-time basis in a program of such school for the training of expanded duty dental auxiliaries will be not less than twenty-five and for the second school year beginning after the close of the fiscal year in which such grant is first made the number of students enrolled on a full-time basis in a program of such school for the training of expanded duty dental auxiliaries will exceed the number of such students so enrolled in the preceding school year by 25 per centum.

"(e) SCHOOLS OF PUBLIC HEALTH.—The Secretary shall not make a grant under section 770 to any school of public health in a fiscal year beginning after June 30, 1974, unless the application for such grant contains or is supported by reasonble assurances satisfactory to the Secretary that—

"(1) for the first school year beginning after the close of the fiscal year in which such grant is made and for each school year thereafter during which such a grant is made the first-year enrollment of full-time students in such school will exceed the number of such students enrolled in the school year beginning during the fiscal year ending June 30, 1974—

"(A) by 10 per centum of such number if such number was not more than one hundred, or

"(B) by 5 per centum of such number, or ten students, whichever is greater, if such number was more than one hundred.

"(f) SCHOOLS OF VETERINARY MEDICINE, OPTOMETRY, PHARMACY, AND PODIATRY.—The Secretary shall not make a grant under section 770 to any school of veterinary medicine, optometry, pharmacy, or podiatry in a fiscal year beginning after June 30, 1974, unless the application for such grant contains or is supported by reasonable assurances satisfactory to the Secretary that—

"(1) for the first school year beginning after the close of the fiscal year in which such grant is made and for each school year thereafter during which such a grant is made the first-year enrollment of full-time students in such school will exceed the number of such students enrolled in the school year beginning during the fiscal year ending June 30, 1974—

"(A) by 10 per centum of such number if such number was not more than one hundred, or

"(B) by 5 per centum of such number, or ten students, whichever is greater, if such number was more than one hundred.

"(g) The Secretary shall waive (in whole or in part) requirements of subsection (c), (d), (e), or (f) as they apply to any school upon written notification by the appropriate accreditation body or bodies (as defined in section 721(b)(1)), that if such school complies with the assurances required by such subsection it will be unable to meet the accreditation standards of such body or bodies.

"(h) Whenever the Secretary, after reasonable notice and opportunity for hearing, finds that any school receiving assistance under section 770 has failed to comply with any assurances required to be given under this section, the Secretary shall forthwith order (A) that no further grants will be made to such school under section 770, or (B) that further grants will be withheld, in whole or in part, until such school repays Federal moneys to which such school was not entitled because of such failure, and shall notify such school of such order.

"(i)(1) Any school which has been adversely affected by any order of the Secretary pursuant to this section may appeal to the United States court of appeals for the circuit in which such school is located, by filing a petition with such court within sixty days after such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary shall thereupon file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the order of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order.

"(2) The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's order.".

SEC. 403. (a) Subsection (a) of section 773 (as so redesignated) is amended—

(1) by striking out "and podiatry" in subsection (a) each place it occurs and inserting in lieu thereof ", podiatry and public health".

(2) by amending paragraph (1) to read as follows:

"(1) effect significant improvements in the curricula of any such schools;."

(3) by striking out "physicians' assistants" in paragraph (3) and inserting in lieu thereof "physician extenders, expanded duty dental auxiliaries".

(4) by striking out "(B) providing increased emphasis on, and training and research in the science of human nutrition and the application of such science to health" in paragraph (7) and inserting in lieu thereof "(B) providing increased emphasis on the ethical, social, legal, and moral implications of advances in biomedical research and technology with respect to the effects of such advances of individuals and society."

(5) by amending paragraph (6) to read as follows:

"(6) assist schools of medicine, osteopathy, and dentistry to plan, develop, and implement a program of nutrition education within their curricula.".

(b) Subsection (d) of section 773 (as so redesignated is amended to read as follows:

"(d) There are authorized to be appropriated $156,000,000 for the fiscal year ending June 30, 1974 and $100,000,000 for the

fiscal year ending June 30, 1975 and for each of the four succeeding fiscal years, for the purposes of making payments pursuant to grants and contracts under this section.".

SEC. 404. (a) Section 772(a)(6) (as so redesignated) is amended to read as follows:

"(6) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974, and $11,000,000 for the fiscal year ending June 30, 1975 and for each of the four succeeding fiscal years, for payments under grants under this subsection. Sums appropriated under this paragraph shall remain available until expended."

(b) Section 772(b)(2) (as so redesignated) is amended (1) by striking out "1974" and inserting in lieu thereof "1979", and (2) by striking out "1975" and inserting in lieu thereof "1980".

SEC. 405. Section 773 is repealed.

SEC. 406. (a) Section 774 is amended to read as follows:

"AREA HEALTH EDUCATION CENTERS

"SEC. 774. (a) For the purpose of improving the distribution, supply, quality, utilization, and efficiency of health professional personnel and the health services delivery system, and encouraging the regionalization of educational responsibilities, the Secretary may make grants to public or nonprofit private educational entities, and may enter into contracts with public or private educational entities, for new projects—

"(1) to encourage the establishment or maintenance of programs to alleviate shortages of health professional personnel in order to improve the delivery of health services to medically underserved populations, designated under section 329(b), through training or retraining of health professional personnel in community hospitals and other facilities serving such populations or to otherwise improve the distribution of health professional personnel by area or by specialty group;

"(2) to provide training programs leading to more efficient utilization of health professional personnel;

"(3) to initiate new types and patterns or improve existing patterns of training, retraining, continuing education, and advanced training of health professional personnel, including practitioners of family medicine, general internal medicine, and general pediatrics, teachers, administrators, specialists, and allied health personnel (particularly physician extenders, expanded duty dental auxiliaries, and nurse practitioners);

"(4) to encourage new or more effective approaches to the organization and delivery of health services, reflecting the needs of all health professions, through training individuals in the use of the team approach to delivery of health services; and

"(5) to assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out the purposes of this subsection.

"(b)(1) No grant may be made or contract entered into under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe. The Secretary shall not approve or disapprove any application for a grant or contract under this section except after consultation with the National Advisory Council on Health Professions Education (established by section 702). The Secretary shall not approve any such application unless such application has been recommended for approval by such council.

"(2) The amount of any grant under this section shall be determined by the Secretary. Payments under grants under this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(3) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(c) There are authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1975, and for each of the four succeeding fiscal years, for payments under grants and contracts under this section."

(b) For the fiscal year ending June 30, 1975, and for each of the next three fiscal years there are authorized to be appropriated such sums as may be necessary to continue payments under contracts entered into under section 774 of the Public Health Service Act (as in effect before the date of the enactment of this Act) for area health education centers. Such payments may only be made from such sums for the periods and the amounts specified in such contracts.

SEC. 407. Section 775 is amended—

(1) by striking out "770, 771, 772, or 773" each place it occurs and inserting in lieu thereof "770, 772, or 773";

(2) by inserting ", public health" after "dentistry" in subsection (b);

(3) by striking out "this part" in subsection (c) and inserting in lieu thereof "section 770, 772, or 773";

(4) by striking out "725)." in subsection (c) and inserting in lieu thereof "702). The Secretary shall not approve any such application unless such application has been recommended for approval by such Council."

(5) by striking out "770, 771, or 773" in subsection (d)(1) and inserting in lieu thereof "770, 771, or 772"; and

(6) by amending subsection (d)(3) to read as follows:

"(3) provides for such fiscal control and accounting procedures and reports, including the use of such standard procedures for the recording and reporting of financial information as the Secretary may prescribe, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under the grant and to enable the Secretary to determine the costs to the applicant of its program for the education or training of students."

SEC. 408. Sections 306 and 309 are repealed.

## TITLE V—ASSISTANCE FOR SPECIALIZED TRAINING

SEC. 501. (a) Section 767 (entitled "Grants for Training, Traineeships, and Fellowships in Family Medicine") is transferred to part F of title VII and redesignated as section 781.

(b) Section 781 (as so redesignated) is amended (1) by striking out "and" after "1973,", and (2) by inserting after "1974," the following: $40,000,000 for the fiscal year ending June 30, 1975 and for each of the four succeeding fiscal years.".

SEC. 502. Section 769A (entitled "Grants for Computer Technology Health Care Demonstration Programs") is repealed.

SEC. 503. Part F of ttile VII is amended by adding after section 781 the following new section:

"EDUCATION OF RETURNING UNITED STATES STUDENTS FROM FOREIGN MEDICAL SCHOOLS

"SEC. 782. (a) The Secretary may make grants to schools of medicine and osteopathy to—

"(1) plan, develop, and initially operate new programs, or

"(2) substantially expand existing programs,

to train United States citizens who have transferred from medical schools in foreign countries and who have enrolled in such schools as full-time students with advanced standing. The costs for which a grant under this subsection may be made may include the costs of identifying deficiencies in the foreign medical school education of such students, the development of materials and methodology for correcting such deficiencies, and specialized training designed to prepare such students for successful completion of licensure examinations. A grant under this subsection may only be made for costs of such programs for one school year. No school may receive more than three grants under this subsection.

"(b) Any school of medicine or osteopathy which receives a grant under subsection (a) for the fiscal year ending June 30, 1975, shall submit to the Secretary before January 1, 1976, a report on the deficiencies (if any) identified by the school in the foreign medical school education of the students trained by such school under the program for which such grant was made. The Secretary shall compile the reports submitted under the preceding sentence, and before July 1, 1976, submit to the Congress his analysis and evaluation of the information contained in such reports.

"(c) There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1975, $10,000,000 for the fiscal year ending June 30, 1976, and $15,000,000 for the fiscal year ending June 30, 1977 and for each of the two succeeding fiscal years, for payments under grants under subsection (a)."

SEC. 504. (a) Section 769B is transferred to part F of title VII, inserted after section 782, and redesignated section 783.

(b) Section 783 (as so redesignated) is amended (1) by striking out "under sections 767, 769, and 769A" each place it occurs and inserting in lieu thereof "under this part", and (2) by striking out "under sections 767 and 769A" in subsection (b) and inserting in lieu thereof "under this part".

SEC. 505. (a) Section 768 (entitled "GRANTS FOR SUPPORT OF POSTGRADUATE TRAINING PROGRAMS FOR PHYSICIANS AND DENTISTS") is transferred to part F of title VII, inserted after section 783, and redesignated section 784.

(b) Section 784 (as so redesignated) is amended by (1) inserting immediately after "1974" in subsection (a) "and for each of the five succeeding fiscal years", and (2) inserting before the semicolon in subsection (c)(3)(A) "and shall not approve any such application unless such application has been recommended for approval by such Council".

SEC. 506. Section 769 (entitled "GRANTS FOR TRAINING, TRAINEESHIPS, AND FELLOWSHIPS FOR HEALTH PROFESSIONS TEACHING PERSONNEL") are repealed.

SEC. 507. The heading for part F of title VII is amended to read as follows:

"PART F—ASSISTANCE FOR SPECIALIZED TRAINING"

## TITLE VI—ALLIED HEALTH PERSONNEL

SEC. 601. (a) Part G of title VII is amended to read as follows:

"PART G—TRAINING PROGRAMS FOR ALLIED HEALTH PERSONNEL

"DEFINITIONS

"SEC. 785. For purposes of this subpart, the term 'allied health personnel' means individuals with training and responsibilities for (1) supporting, complementing, or supplementing the professional functions of physicians, dentists, and other health professionals in the delivery of health care to patients, or (2) assisting environmental personnel in environmental health control activities.

"PROJECT GRANTS AND CONTRACTS

"SEC. 786. (a) The Secretary may make grants and enter into contracts to assist eligible entities in meeting the costs of planning, study, development, demonstration, and evaluation projects undertaken with respect to one or more of the following:

"(1) Methods of coordination and management of education and training at various levels for allied health personnel within and among educational institutions and their clinical affiliates.

"(2) Methods and techniques for State and regional coordination and monitoring or education and training for allied health personnel.

"(3) Programs, methods, and curricula (including model curricula) for training various types of allied health personnel.

"(4) Programs, or means of adapting existing programs, for training as allied health personnel special groups such as returning veterans, the socioeconomical disadvantaged, and persons reentering any of the allied health fields.

"(5) New types of roles and uses for allied health personnel.

"(6) In coordination with the Secretary's program under section 1123 of the Social Security Act, methods of establishing, and determining compliance with, proficiency requirements for allied health personnel, including techniques for appropriate recognition (through equivalency and proficiency testing or otherwise) of previously acquired training or experience.

"(7) Methods of recruitment and retaining of allied health personnel.

"(8) Meaningful career ladders and programs of advancement for practicing allied health personnel.

"(b)(1) No grant may be made or contract entered into under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(2) For purposes of subsection (a), the term 'eligible entities' means those entities which have had an application approved under paragraph (1) and which are—

"(A) schools, universities, or other educational entities which provide for allied health personnel education and training meeting such standards as the Secretary may by regulation prescribe,

"(B) States, political subdivisions of States, or regional and other public bodies representing States or political subdivisions of States or both, or

"(C) any entity which has a working arrangement (meeting such requirements as the Secretary may by regulation prescribe) with an entity described in subparagraph (A).

"(3) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(4) The amount of any grant under subsection (a) shall be determined by the Secretary. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(c) For the purpose of making payments under grants and contracts under subsection (a), there are authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1975, $45,000,000 for the fiscal year ending June 30, 1976, and $50,000,000 for the fiscal year ending June 30 1977, and for each of the two succeeding fiscal years.

"TRAINEESHIPS FOR ADVANCED TRAINING OF ALLIED HEALTH PERSONNEL

"SEC. 787. (a) The Secretary may make grants to public and nonprofit private entities for traineeships provided by such entities for the training of allied health personnel to teach in training programs for such personnel or to serve in administrative or supervisory positions.

"(b)(1) No grant may be made under subsection (a) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(2) Payments under such grants (A) shall be limited to such amounts as the Secretary finds necessary to cover the cost of tuition and fees of, and stipends and allowances (including travel and subsistence expenses and dependency allowances) for, the trainees; and (B) may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

"(c) For the purposes of making payments under grants under subsection (a), there are authorized to be appropriated $7,500,000 for the fiscal year ending June 30, 1975, $9,000,000 for the fiscal year ending June 30, 1976, and $10,500,000 for the fiscal year ending June 30, 1977 and for each of the two succeeding fiscal years.

"GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR ALLIED HEALTH PERSONNEL TRAINING

"SEC. 788. (a) The Secretary may make grants to and enter into contracts with State and local educational agencies and other public or nonprofit private entities—

"(1) to (A) identify individuals of financial, educational, or other need who have a potential to become allied health personnel, including individuals who are veterans of the Armed Forces with military training or experience similar to that of allied health personnel, and (B) encourage and assist, whenever appropriate, the individuals described in clause (A) to (i) complete secondary school, (ii) undertake such postsecondary training as may be required to qualify them to undertake allied health personnel training, and (iii) undertake postsecondary allied health personnel training; and

"(2) to publicize existing sources of financial aid available to individuals undertaking allied health personnel training.

"(b)(1) No grant may be made or contract entered into under subsection (a) unless an application therefor has been submitted to and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(2) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(3) The amount of any grant under subsection (a) shall be determined by the Secretary. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(c) For payments under grants and contracts under subsection (a) there are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1975, $1,500,000 for the fiscal year ending June 30, 1976, and $2,000,000 for the fiscal year ending June 30, 1977 and for each of the two succeeding fiscal years.

"STATISTICAL AND ANNUAL REPORT

"SEC. 789. (a) The Secretary shall continuously develop, publish, and disseminate on a nationwide basis statistics and other information respecting allied health personnel, including—

"(1) detailed descriptions of the various types of such personnel and the activities in which such personnel are engaged,

"(2) the current and anticipated needs for the various types of such health personnel, and

"(3) the number, employment, geographic locations, salaries, and surpluses and shortages of such personnel, the educational and licensure and certification requirements for the various types of such personnel, and the cost of training such personnel.

"(b) The Secretary shall submit annually to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate a report on—

"(1) the statistics and other information developed pursuant to subsection (a); and

"(2) the activities conducted under this subpart, including an evaluation of such activities.

Such report shall contain such recommendations for legislation as the Secretary determines is needed to improve the programs authorized under this subpart. The Office of Management and Budget may review such report before its submission to Congress, but the Office may not revise the report or delay its submission beyond the date prescribed for its submission and may submit to Congress its comments respecting such report. The first report under this subsection shall be submitted not later than September 1, 1975."

(b)(1) Section 704 (as so redesignated) is amended (1) by striking out "any training center for allied health personnel" and inserting in lieu thereof "any entity for the training of allied health personnel", and (2) by striking out "or training center" each place it occurs and inserting in lieu thereof "or entity".

(2) Section 314(c) is repealed.

QUALITY ASSURANCES RESPECTING EDUCATION AND TRAINING OF ALLIED HEALTH PERSONNEL

SEC. 602. The Secretary of Health, Education, and Welfare shall within one year of the date of the enactment of this Act (1) submit to the Congress a report which identifies and describes each of the programs which he administers under which the costs of programs of education and training for allied health personnel (as defined in section 785 of the Public Health Service Act) are directly or indirectly paid (in whole or in part); and (2) take such action as may be necessary to require that such assistance is provided only those programs which meet such quality standards as the Secretary may by regulation prescribe.

ALLIED HEALTH PERSONNEL STUDY

SEC. 603. (a)(1) The Secretary of Health, Education, and Welfare shall, in accordance with paragraph (2), arrange for the conduct of studies—

(A) to identify the various types of allied health personnel and the activities in which such personnel are engaged and the various training programs currently offered for allied health personnel;

(B) to establish classifications of allied health personnel on the basis of their activities, responsibilities, and training;

(C) using appropriate methodologies, to determine the cost of educating and training allied health personnel in each classification; and

(D) to identify the classifications in which there are a critical shortage of such personnel and the training programs which should be assisted to meet that shortage.

(2)(A) The Secretary shall request the National Academy of Sciences to conduct such studies under an arrangement under which the actual expenses incurred by such Academy in conducting such studies will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of such studies.

(B) If the National Academy of Sciences is unwilling to conduct one or more such studies under such an arrangement, then the Secretary shall enter into a similar arrangement with other appropriate non-profit private groups or associations under which such groups or associations will conduct such studies and prepare and submit the reports thereon as provided in subsection (b).

(b) The studies required by subsection (a) shall be completed within the two-year period beginning on the date of the enactment of

this Act; and a report on the results of such study shall be submitted by the Secretary to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate before the expiration of such period.

(c) Within six months after the date prescribed for the completion of the studies under subsection (a), the Secretary of Health, Education, and Welfare shall transmit to Congress such recommendations for legislation as he determines is necessary to provide appropriate support for the training programs referred to in subsection (a)(1)(D).

TITLE VII—POSTGRADUATE PHYSICIAN TRAINING

SEC. 701. Title VII is amended by adding at the end thereof the following new part:

"PART H—POSTGRADUATE PHYSICIAN TRAINING

"SEC. 790. (a) There is established in the Public Health Service the National Council on Postgraduate Physician Training (hereinafter in this title referred to as the 'National Council').

"(b) The National Council shall consist of twenty-two members. The Director of the National Institutes of Health, the Chief Medical Director of the Veterans Administration, and the Assistant Secretary for Health and Environment of the Department of Defense shall be ex offiio members of the Council. The remaining members shall be appointed by the Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the 'Secretary') without regard to the provisions of title 5 of the United States Code relating to appointments in the competitive service from persons who are not officers or employees of the United States Government as follows:

"(1) Eleven members shall be appointed from among doctors of medicine and osteopathy. Of the eleven:

"(A) six shall be representative of and shall themselves be practicing physicians associated with specialty and subspecialty physician (including osteopathic) organizations, including one each from the specialties or subspecialties of family practice, internal medicine, pediatrics, obstetrics and gynecology, surgery, and psychiatry;

"(B) two shall be representative of and shall themselves be physicians associated with hospitals which maintain postgraduate physician training programs;

"(C) two shall be representative of and shall themselves be associated with schools of medicine or osteopathy or university health science centers; and

"(D) one shall be representative of and shall himself be a physician participating in a program of postgraduate physician training.

"(2) Four members shall be appointed from among individuals who are health professionals other than physicians. Of the four:

"(A) two shall be representative of and shall themselves be individuals associated with hospitals which maintain postgraduate physician training programs;

"(B) one shall be representative of and shall himself be a health planner or public health administrator;

(C) one shall be a nurse or other allied health professional.

"(3) One member shall be appointed from among individuals who are students in schools of medicine and osteopathy and shall be representative of such individuals.

"(4) Three members shall be appointed from and shall be representative of the general public. The Secretary shall not appoint under this paragraph any individual who has any significant financial interest in the provision of health care services or in entities engaged in the provision of such services or in producing or supplying drugs or other articles for individuals and entities engaged in the provision of such services.

The members of the National Council shall select a chairman from among their own number.

"(c) Each appointed member of the National Council shall hold office for a term of four years, except that—

"(1) any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of such term, and

"(2) the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, five at the end of the first year, five at the end of the second year, and five at the end of the third year, and four at the end of the fourth year, after the date of appointment.

No member shall be eligible to serve continuously for more than two terms.

"(d) Members of the National Council, while attending meetings or conferences thereof, or otherwise serving on business of the National Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding for any day (including traveltime) the daily equivalent of the effective rate for grade GS–18 of the General Schedule, 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(b) of title 5 of the United States Code for persons in the Government service employed intermittently.

"SEC. 791. (a) Upon appointment (which shall be within six months after the date of enactment of this title) and prior to July 1, 1976, the National Council shall conduct studies and other activities relevant to the various matters relating to the postgraduate training of physicians specifically including the following:

"(1) The commissioning and supervision of the investigation of physician specialty distribution in the United States and its possessions as prescribed by section 798A.

"(2) The development of collaborative working relationships with each physician specialty organization to determine and assist its individual activities with respect to the number and location of practitioners within each specialty.

"(3) An assessment of the need for financial support for the postgraduate training of physicians, especially in primary care specialties.

"(4) An assessment of the service needs of hospitals and other health institutions, the role of postgraduate physician trainees in meeting such needs, and alternate means of meeting such needs.

"(5) An assessment of the educational component of postgraduate training programs for physicians.

"(6) The assessment of the impact of foreign medical graduates on the present and future health care in the United States and foreign nations.

"(b) After July 1, 1976, the National Council shall perform the duties described in section 794 and carry out such other activities as may be incidental to the performance of such duties.

"(c)(1) The Council may appoint and fix the pay of such staff personnel as it deems desirable. Such personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) The Council may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule.

"SEC. 792. (a) For each of the Department of Health, Education, and Welfare regions there is established a Regional Council on Postgraduate Physician Training (hereinafter referred to in this title as the 'regional council'). Each regional council shall consist of twenty-two members. Three of the members shall be appointed upon the recommendations of the ex officio members of the National Council. The remaining members shall be appointed by the Secretary without regard to the provisions of title 5 of the United States Code relating to the appointments in the competitive service from persons who are not officers or employees of the United States Government as follows:

"(1) Eleven shall be appointed from among doctors of medicine and osteopathy. Of the eleven:

"(A) six shall be representative of and shall themselves be practicing physicians including one each from the specialties or subspecialties of family practice, internal medicine, pediatrics, obstetrics and gynecology, surgery, and psychiatry;

"(B) two shall be representative of and shall themselves be physicians associated with hospitals which maintain postgraduate physician training programs;

"(C) two shall be representative of and shall themselves be physicians associated with schools of medicine or osteopathy or university health science centers; and

"(D) one shall be representative of and shall himself be a physician participating in a program of postgraduate physician training.

"(2) four members shall be appointed from among individuals who are health professionals other than physicians. Of the four:

"(A) two shall be representative of and shall themselves be individuals associated with hospitals which maintain postgraduate physician training programs;

"(B) one shall be representative of and shall himself be a planner or public health administrator; and

"(C) one shall be representative of and shall himself be a nurse or other allied health professional.

"(3) One member shall be appointed from among individuals who are students in schools of medicine and osteopathy and shall be representative of such individuals.

"(4) Three members shall be appointed from the general public. The Secretary shall not appoint under this paragraph any individual who has any significant financial interest in the provision of health care services or in entities engaged in the provision of such services or in producing or supplying drugs or other articles for individuals and entities engaged in the provision of such services.

The members of each regional council shall select a chairman from among their own number.

"(b) Each member of a regional council appointed pursuant to paragraph (1), (2), (3), or (4) shall hold office for a term of four years, except that—

"(1) any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of such term, and

"(2) the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, five at the end of the first year, five at the end of the second year, five at the end of the third year, and four at the end of the fourth year, after the date of appointment.

No member shall be eligible to serve continuously for more than two terms.

"(c) Members of a regional council, while attending meetings on business thereof, or otherwise serving on business of such regional council, shall be entitled to receive compensation at the rates fixed by the Secretary, but not exceeding for any day (including traveltime) the daily equivalent of the effective rate for grade GS–18 of the General Schedule, 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(b) of title 5 of the United States Code for persons in the Government service employed intermittently.

"(d) All members of a regional council shall be residents of, and employed in the region served by such regional council.

"SEC. 793. (a) Upon appointment (which shall be within six months after the date of enactment of this title), and prior to July 1, 1976, each regional council shall conduct studies and other activities relevant to the various matters related to the postgraduate training of physicians within the region served by such regional council, specifically including the following:

"(1) A survey of the institutions providing postgraduate training of physicians within the region, including an analysis of the types of training currently provided, as well as the types of training that might be provided by such institutions.

"(2) An assessment of the service needs of hospitals and other health institutions within the region, including an assessment of the role that postgraduate physician trainees play in meeting such needs and alternative means of meeting such needs.

"(3) An assessment of the educational component of the postgraduate training programs for physicians conducted within the region.

"(4) An assessment of the status of the financial support of the postgraduate training of physicians within the region, especially of primary care training programs.

"(5) Development of collaborative working relationships with State and local health planning programs and State departments of health operating within the region.

"(b) After July 1, 1976, each regional council shall perform the duties described in section 795 and carry out such other activities as may be incidental to the performance of such duties.

"(C)(1) Each regional council may appoint and fix the pay of such staff personnel as it deems desirable. Such personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) Each regional council may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule.

"SEC. 794. (a) On July 1, 1976, and not later than July 1 of each year thereafter, the Secretary shall, in accordance with the recommendations of the National Council, conduct a certification program as follows:

"(1) Establish the total number of postgraduate physician training positions to be certified for the year beginning on the next following July 1. Such certified positions shall not exceed 110 per centum of the number of doctor of medicine and doctor of osteopathy degrees expected to be granted in the intervening year in the United States.

"(2) Assign the total number of certified positions so established, to the various categories of specialty and subspecialty practice of medicine recognized within the United States. In assigning positions to the various categories of specialty and subspecialty practice of medicine, the Secretary and the National Council shall take into consideration the findings of the study conducted pursuant to section 798A.

"(3) Assign from the certified positions so established in each physician specialty and subspecialty certified positions to each of the ten regions.

"(b) The Secretary, upon the recommendation of the National Council shall on October 1, 1976, and October 1 of each subsequent year directly certify positions in entities, and associations of such entities, which directly provide postgraduate training of physicians in those physician specialties and subspecialties in which sufficient numbers of physicians are not needed nationally to permit a proper distribution of such positions to the regions. Such positions shall not, in any year of the program, exceed 10 per centum of the total number of certified positions for such year. On or before August 1, 1976, and August 1 of each subsequent year the Secretary shall inform the respective regional councils of all positions proposed to be directly certified within such region. No position may be directly certified by the Secretary, if the respective regional council disapproves such position within thirty days of notification by the Secretary of such proposed certification.

"(c) The Secretary shall not certify any position under this section unless such position has been recommended for certification by the National Council.

"SEC. 795. (a) The Secretary shall, upon the recommendation of each regional council, not later than October 1, 1976, and October 1 of each subsequent year, certify postgraduate training positions in entities and asosciations of such entities, which directly provide such training within the region served by such regional council. In certifying such positions, the Secretary shall not certify any position—

"(1) in any physician specialty or subspecialty in excess of the number of certified positions in such medical specialty or subspecialty assigned to the region under section 794(a)(3);

"(2) in any entity or association of such entities which has, or will have, in the aggregate, fewer than ——— such certified positions;

"(3) in any entity which maintains any postgraduate physician training position, or any association of entities in which any participating entity maintains any such position, which is not certified under this title as a graduate training position for physicians; or

"(4) which is not a part of, at a minimum, an integrated three-year postgraduate physician training program.

"(b) In certifying positions, the Secretary and each regional council shall—

"(1) to the extent feasible, insure that the certified positions are equitably distributed geographically within the region served by the regional council; and

"(2) insure that the educational component of each training program meets acceptable standards as determined by the Secretary in consultation with appropriate professional organizations.

"(c) The Secretary shall not certify any position under this section unless such position has been recommended for certification by the appropriate regional council.

"SEC. 796. In carrying out the provisions of sections 791(a)(5), 793(a)(3) and 795(b)(2) relating to the educational component of postgraduate physician training, the National Council and each regional council shall coordinate its activities with the appropriate professional and other organizations concerned with graduate medical education.

"SEC. 797. (a) The Secretary shall make grants to, and contract with, entities which directly provide, or associations of such entities which directly provide, or have the capacity to directly provide, postgraduate training of physicians and which are certified to the Secretary by the National Council and the appropriate regional council as likely to receive an increased number of certified postgraduate positions subsequent to July 1, 1977, to allow such entities to develop new, and expand existing, postgraduate physician training programs.

"(b) In the awarding of grants, the Secretary shall give special priority to (1) programs of primary care residency training and (2) programs, especially programs described in clause (1), conducted by entities which serve medically underserved populations, as designated under section 329(b).

"(c) No entity may receive—

"(1) a grant or contract for more than $100,000 for the establishment, or the expansion of an existing program in the training of physicians in any particular specialty or subspecialty area, in any fiscal year.

"(2) a grant or contract for more than two consecutive years for the establishment, or the expansion of an existing program, for the training of physicians in any particular specialty or subspecialty area.

"(d) For each of the fiscal years ending June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978, and June 30, 1979, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"SEC. 798. (a) The Secretary shall make grants to entities which—

"(1) directly provided postgraduate training of physicians on July 1, 1977; and

"(2) because of the operation of this part, are able to obtain a decreased number of postgraduate physician trainees following July 1, 1977; and

"(3) have a plan to utilize such funds to initiate the provision of services, previously provided by physicians in postgraduate training, by other health professionals and personnel, especially nurse clinicians.

The Secretary shall pay to such entities $10,000 for each individual position decrease in the first year following such decrease and $5,000 for each position decrease in the second year following such decrease.

"(b) For each of the fiscal years ending June 30, 1978, June 30, 1979, and June 30, 1980, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"SEC. 798A. (a) The Secretary shall, within ninety days of the appointment of the National Council, contract, with the approval of the National Council as provided in subsection (b), for the conduct of a study to:

"(1) Analyze the current distribution of physicians by specialty. The geographical distribution of medical and osteopathic physicians by specialty and subspeciality and by geographic area shall be determined. Physician specialities and subspecialities shall be defined in a manner consistent with recognized categories; geographic areas shall be defined as a reasonable medical trade area for each speciality or subspeciality; special attention shall be given to determining the percent of time physicians in each specialty and subspeciality spend in primary care activities.

"(2) Project the expected distribution of physicians by speciality and subspeciality by geographic area in the years 1980, 1985, and 1990. Such projection shall be based on current trends in physicians speciality training and choice of practice sites, the activities of various specialty boards and other organizations, and the retirement-death rate of physicians by speciality and subspeciality.

"(3) Examine and critically evaluate the various methodologies for estimating the optimal distribution of physicians by speciality and subspeciality by geographic area. Methodologies examined and evaluated shall in-

clude methodologies utilized by foreign countries.

"(4) Develop a reliable and appropriate methodology to establish the optimal distribution of physicians by speciality and subspeciality by geographic area. Utilizing such methodology, projections shall be made for the optimal number of physicians by specialty and subspecialty by geographic area for the years 1980, 1985, and 1990.

"(b) The National Council shall approve the organization selected by the Secretary to conduct the study required by subsection (a). Such organization shall—

"(1) have a national reputation for objectivity in the conduct of studies for the Federal Government;

"(2) have the capability to readily marshal the widest possible range of expertise and advice relevant to the conduct of such studies;

"(3) have a membership and competent staff which have backgrounds in government, the health sciences, and the social sciences;

"(4) have a history of interest and activity in health policy issues related to such studies; and

"(5) have extensive existing contracts with interested public and private agencies and organizations.

"(c) An interim report providing a plan for the study required by subsection (a) shall be submitted by the organization conducting the study to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate by January 31, 1975; and a final report giving the results of the study shall be submitted by such organization to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate by January 31, 1976.

"(d) There is authorized to be appropriated $10,000,000, which shall be available without fiscal year limitations, for the conduct of the study required by subsection (a)."

## TITLE VIII—NATIONAL LICENSURE OF PHYSICIANS AND DENTISTS

SEC. 801. Title VII is amended by adding at the end thereof the following new part:

### "PART I—NATIONAL LICENSURE OF PHYSICIANS AND DENTISTS

"SEC. 799. As used in this title the term—

"(1) 'physician' means a doctor of medicine or a doctor of osteopathy.

"(2) 'dentist' means a doctor of dentistry.

"(3) 'State agency' means the department, commission, board, or other agency of a State which is charged by the law of that State with the administration of laws and regulations regarding licensure of physicians and dentists.

#### "NATIONAL STANDARDS FOR LICENSURE OF PHYSICIANS AND DENTISTS

"SEC. 779A. (a)(1) Within two years of the date of enactment of this title the Secretary shall, in consultation with appropriate professional organizations, and in cooperation with any recognized national professional testing organization or organizations, develop and establish national standards for the licensure of physicians and dentists and prepare appropriate examinations for the initial licensure and subsequent renewal of such licensure (which shall be required periodically, but at least once every six years). Such standards shall include satisfactory performance, as defined by the Secretary, on an initial examination and reexaminations and compliance with such other requirements as are determined to be appropriate for the evaluation of competence to practice medicine or dentistry.

"(b) The Secretary shall periodically, but not less often than once every two years review the national standards (including the examinations) established pursuant to subsection (a) and shall, in a manner consistent with such subsection, revise such standards as appropriate to assure that such standards are adequate for evaluation of competence to practice medicine and dentistry.

"(c) Prior to the establishment or revision of the national standards, pursuant to this section, the Secretary shall publish a notice in the Federal Register and afford all interested parties a reasonable opportunity to present their views by oral and written submissions. The final action of the Secretary in establishing and revising the national standards shall be subject to judicial review in accordance with section 799C(e)(3).

#### "STATE PROGRAMS FOR LICENSURE IN ACCORDANCE WITH THIS TITLE

"SEC. 799C. (a)(1) By the completion of the first general session of the State legislature which commences after the date on which the Secretary establishes national standards pursuant to section 799A(a), a State may establish a program for licensure of physicians and dentists in accordance with this title.

"(2) A State licensure program is in accordance with this title if it meets or exceeds all of the national standards and complies with the provisions of sections 799D and 799E. A State program 'meets' the national standards if the substance of the State program requirements is the same as or the equivalent of the corresponding requirements of the national standards. A State licensure program 'exceeds' the national standards if it includes requirements which are the same as or equivalent to the corresponding requirements of the national standards, and imposes additional requirements which are not inconsistent with the national standards.

"(b) Upon the establishment of a program, pursuant to subsection (a) in any State, the State agency shall promptly submit to the Secretary a certified copy of such program, together with all relevant information which is requested by the Secretary. Within ninety days after the Secretary receives a copy of a State licensure program established under subsection (a), the Secretary shall make a determination whether such State has established a licensure program in accordance with this title. Unless the Secretary determines pursuant to this section, that a State licensure program is not in accordance with this title, the program shall go into effect in such State on the date designated in the program. In no event shall such State program go into effect less than nine months or more than twelve months after the date of its establishment.

"(c) The Secretary shall periodically, but not less often than once every three years, review each State licensure program, which has been determined under subsection (b) to be in accordance with this title to determine whether such program is still in accordance with this title. To facilitate such review each State agency shall submit to the Secretary periodically all relevant information which is requested by the Secretary. The Secretary shall report to the President and Congress simultaneously on July 1 of each year on the results of such reviews, including any recommendations for legislation.

"(d)(1) If, by the completion of the first general session of the State legislature which commences after the date on which the Secretary established national standards pursuant to section 799A(a), a State has not established a licensure program in accordance with this title (as determined by the Secretary under subsection (b)) the national standards established by the Secretary pursuant to section 799A(a) and the provisions of sections 799D and 799E shall become applicable in such State. The national standards shall go into effect in such State on the first day of the ninth month after such standards become applicable or on a date designated by the Secretary, whichever is earlier.

"(2) If, after the national standards are applicable or in effect in a State, the Secretary, upon petition, makes a determination, pursuant to subsection (b), that such State has established a licensure program in accordance with this title, such State licensure program shall go into effect and the national standards shall cease to be applicable or in effect on a date to be designated by the Secretary.

"(3) If, after a State licensure program in accordance with this title is in effect in a State, the Secretary makes a determination, pursuant to subsection (c), that such State licensure program is no longer in accordance with this title, then such program shall cease to be in effect on a date to be designated by the Secretary, and on that date the national standards and the provisions of sections 799D and 799E shall go into effect in such State.

"(e)(1) Before making any determination under this section, the Secretary shall publish a notice in the Federal Register and afford the State and all interested parties a reasonable opportunity to present their views by oral and written submission.

"(2) The Secretary shall notify in writing the Governor of the affected State of any determinations made under this section and shall publish these determinations with reasons therefor in the Federal Register.

"(3) Any determinations made by the Secretary under this section shall be subject to judicial review in accordance with chapter 7 of title 5 of the United States Code, in the United States court of appeals for the circuit in which is located the State whose plan is the subject of such determination or in the United States Court of Appeals for the District of Columbia Circuit. Any such review shall be instituted within sixty days from the date on which the determination made by the Secretary is published in the Federal Register.

#### "NATIONAL LICENSURE

"SEC. 799D. A physician or dentist licensed to practice his profession in any State shall be deemed to be qualified for licensure in any other State in which the national standards are in effect or which has a licensure program which meets the national standards. In the case of any State which has a licensure program which exceeds the national standards such a physician or dentist shall be deemed to be qualified for licensure in that State upon compliance with the additional requirements imposed by the licensure program of such State.

#### "STATE LICENSURE REQUIREMENTS

"SEC. 799E. (a) No State shall establish any requirement for licensure of physicians or dentists which requires that the individual applying for licensure reside in such State for a designated period of time as a condition prior to such licensure.

"(b) Each State shall apply the requirements of its licensure program equally to all individuals who apply to be licensed in such State whether they have received an education in medicine or dentistry in the United States or in a foreign nation except that those individuals who have received an education in a foreign nation shall be required to demonstrate written and spoken proficiency in the English language.

"(c) In the case of any physician or dentist obligated to provide health services in accordance with sections 741(f), 747(c), 750(d), 751(d), or 770(b)(2) and selected by the Secretary to provide such service, no State shall review a license previously given to such physician or dentist except upon certification by the Secretary that such physician or dentist has fulfilled such obligation in accordance with the requirements of such section.

"(d) No State shall renew a license pre-

viously given to any physician if such physician has received postgraduate training by filling a postgraduate training program position in any institution unless such position had been certified in accordance with part H at the time he received such training, except that this subsection shall not apply to any individual who completes his postgraduate training prior to July 1, 1977.

"(e) The requirements of this part with respect to licensure shall not apply to any physician or dentist in any State who has been given a license to practice his profession in such State prior to the date upon which the provisions of this part take effect in such State, except that any such physician or dentist shall, after the provisions of this part take effect in such State, be required to comply with the requirements of the national standards or of the licensure program of such State respecting renewal of licenses.".

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S. 3586

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

SHORT TITLE; REFERENCE TO ACT

SECTION 1. (a) This Act may be cited as the "Nurse Training Act of 1974".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

EXTENSION OF CONSTRUCTION GRANTS

SEC. 2. (a) Section 801 is amended by striking out "and" after "1973,"; and by inserting before the period a comma and the following: $45,000,000 for the fiscal year ending June 30, 1975 and for each of the four succeeding fiscal years.

(b) Section 802(b) is amended by adding at the end thereof: "The Secretary shall not approve any application under this part unless such application has been recommended for approval by the council."

(c) Section 802(c)(1)(A) is amended (1) by inserting "(i)" after "proposed facilities", and (2) by inserting before the semicolon ", or (ii) in expanding the capacity of the school to provide graduate training".

(d) Subsection (a) of section 803 is amended to read as follows: "(a) The amount of any grant for a construction project under this part shall be such amount as the Secretary determines to be appropriate after obtaining advice of the Council, except that no grant for any project may exceed 80 per centum of the necessary costs of construction, as determined by the Secretary, of such project."

EXTENSION OF SPECIAL PROJECT GRANTS AND CONTRACTS AND FINANCIAL DISTRESS GRANTS

SEC. 3. (a) Section 805 is amended to read as follows:

"SPECIAL PROJECT GRANTS AND CONTRACTS

"SEC. 805. (a) The Sceretary may make grants to public and other non-profit private schools of nursing and other public or nonprofit private entities, and enter into contracts with any public or private entity, to meet the costs of special projects to—

"(1) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(B) other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs;

"(2) develop training programs, and train, for new roles, types, or levels of nursing personnel, including programs for the training of pediatric nurse practitioners or other types of nurse practitioners;

"(3) plan, develop, or establish new programs, significant improvements in curriculums, or modifications of existing programs of nursing education;

"(4) increase educational opportunities for disadvantaged students;

"(5) provide continuing education for nurses; or

"(6) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(b) The Secretary may, with the advice of the National Advisory Council on Nurse Training, provide assistance to the heads of other departments and agencies of the Government to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

"(c) For payments under grants and contracts under this section there are authorized to be appropriated $35,000,000 for the fiscal year ending June 30, 1975 and for each of the four succeeding fiscal years.

(b) Sections 808 and 810 are repealed.

(c) Section 807 is amended—

(1) by striking out "805, 806, or 810" in subsection (a) and inserting in lieu thereof "805 or 806";

(2) by striking out "805, 806, or 810" in the matter in subsection (c) preceding paragraph (1) and inserting in lieu thereof "805 or 806";

(3) by striking out "or 810" in subsection (c)(1); and

(4) by striking out "agency, organization, or institution" in subsection (c)(1) and inserting in lieu thereof "entity".

EXTENSION AND REVISION OF CAPITATION GRANTS

SEC. 4. (a) Section 806(a) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) Each collegiate school of nursing shall receive $800 for each full-time student enrolled in such school in such year.

"(2) Each associate degree school of nursing shall receive $550 for each full-time student enrolled in such school in such year.

"(3) Each diploma school of nursing shall receive $500 for each full-time student enrolled in such school in such year.

"(4) In addition to the amount received by each school of nursing under paragraph (1), (2), or (3), each such school which has a program for the training of nurse midwives, family health nurses, pediatric nurse practitioners, or similar nurse practitioners, shall receive $250 for each full-time student enrolled in such school in such year."

(b) Sections (c), (d), and (f) of section 806 are repealed.

(c) Subsection (e) of section 806 is redesignated as subsection (c) and amended—

(1) by striking out "July 1, 1966, through June 30, 1971," and inserting in lieu thereof "July 1, 1969, through June 30, 1974.".

(2) by adding at the end thereof the following new paragraph:

"(3) The Secretary shall waive (in whole or in part) the requirements of this subsection as they apply to any school upon written notification by the appropriate accreditation body or bodies, that if such school complies with the assurances required by such subsection it will be unable to meet the accreditation standards of such body or bodies."

(d) Section 806 is amended by adding after subsection (c) (as so redesignated) the following new subsctions:

"(d)(1) The Secretary shall not make a grant under this section to any school in a fiscal year beginning after June 30, 1974, unless the application for such grant contains or is supported by reasonable assurances satisfactory to the Secretary that for the first school year beginning after such grant is made and for each school year thereafter during which such a grant is made such school shall require that each individual accepted for admission, as a condition of, and prior to, such admission, agree in writing to practice his profession (as a member of the National Health Service Corps or otherwise) in accordance with paragraph (2).

"(2)(A) Each individual shall be obligated to provide health services for a period of two years (hereinafter referred to as 'period of obligated service'). The period of obligated service shall be spent providing health services—

"(i) to a population designated under section 329 (b) as a medically underserved population, or

"(ii) in an area or at an institution designated by the Secretary to have a shortage of and need for individuals trained in his profession.

"(B) A period of obligated service of any individual shall commence within six months after the date upon which such individual is licensed to practice his profession and such service shall continue without substantial interruption until such service is completed.

"(C)(i) The Secretary shall, for each year, establish the number of individuals needed to provide health services under this subsection for the populations and in the areas and institutions described in subparagraph (A) and shall select for service under this subsection such number of individuals from among all of the individuals who are obligated to begin their service obligation in such year. The selection of such individuals for service shall be made in impartial and random manner, under such regulations as the Secretary shall prescribe.

"(ii) The Secretary shall assign those individuals selected in accordance with this subparagraph to provide services for populations and in areas and institutions described in subparagraph (A). In making such assignments the Secretary shall apply the provisions of section 329(c) and (d), to the extent that they are consistent with the provisions of this subsection.

"(D) If, for any reason, an individual who is obligated to provide service under this subsection, and who has been selected by the Secretary under subparagraph (C) to provide such service, fails either to begin his service obligation or to complete such service obligation in accordance with this subsection, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula—

$$A = 2\phi\left(\frac{t-s}{t}\right)$$

in which "A" is the amount the United States is entitled to recover; $\phi$ is the sum of the amount paid under this section to a school on the basis of the enrollment in such school of such individual and the interest on such amount which would be payable if at the time it was paid it was a loan bearing interest at the maximum legal prevailing rate; "t" is the total number of months in such individual's period of obligated service; and "s" is the number of months of such period served by him in accordance with this subsection. Any amount which the United States is entitled to recover shall, within the one-year period beginning on the date the United States becomes entitled to recover such amount, be paid by such individual to the United States.

"(3) The Secretary shall by regulation provide for the waiver or suspension of any obligation of any individual under this subsection whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"(4) When any individual undergoing training in any school subject to the provisions of this subsection is academically dismissed or voluntarily terminates academic training or fails to obtain a license to prac-

tice his profession he shall not be obligated to provide service under this subsection unless he, at some susbequent date, completes such training and obtains a license to practice his profession.

"(e) Whenever the Secretary, after reasonable notice and opportunity for hearing, finds that any school receiving assistance under this section has failed to comply with any assurances required to be given under this section, the Secretary shall forthwith order (A) that no further grants will be made to such school under this section, or (B) that further grants will be withheld, in whole or in part, until such school repays Federal moneys to which such school was not entitled because of such failure, and shall notify such school of such order.

"(f)(1) Any school which has been adversely affected by any order of the Secretary pursuant to this section may appeal to the United States court of appeals for the circuit in which such school is located, by filing a petition with such court within sixty days after such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary shall thereupon file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, the Court shall have jurisdiction to affirm the order of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order.

"(2) The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's order.

(e) Section 806(1)(1) is amended by striking out "and" after "1973," and by inserting before "for grants" the following: "$137,800,000 for the fiscal year ending June 30, 1975, $140,750,000 for the fiscal year ending June 30, 1976, $147,500,000 for the fiscal year ending June 30, 1977 $153,600,000 for the fiscal year ending June 30, 1978, and $160,000,000 for the fiscal year ending June 30, 1979,".

EXTENSION OF PLAN GUARANTEES AND INTEREST SUBSIDIES FOR CONSTRUCTION PROJECTS

SEC. 5. (a) Subsections (a) and (b) of section 809 are each amended by striking out "1974" and inserting in lieu thereof "1979".

(b) Subsection (e) of such section is amended by striking out "and" after "1973," and by inserting after "1974" a comma and the following: "$4,000,000 for the fiscal year ending June 30, 1975 and for each of the four succeeding fiscal years."

EXTENSION OF TRAINEESHIPS

SEC. 6. Section 821(a) is amended by inserting after "next fiscal year," the following: "$24,000,000 for the fiscal year ending June 30, 1976, and for each of the three succeeding fiscal years.".

EXTENSION OF STUDENT LOAN PROGRAM

SEC. 7. (a) Section 822(b)(4) is amended by striking out "1974" and inserting in lieu thereof "1970".

(b) Section 823(b) is amended—

(1) by adding at the end of paragraph (1) the following new paragraph (2):

"(2) such a loan may be made only to a student who agrees in writing to practice his profession in accordance with section 806(d);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), and (7) as paragraphs (3), (4), (5), (6), (7), and (8) respectively.

(3) by inserting "(including training to be a nurse anesthetist)" after "professional training in nursing" in paragraph (3)(B) (as so redesignated).

(4) by amending paragraph (3) (as so redesignated) by inserting before the semicolon at the end thereof the following: ", except that in the case of any student who agrees in writing to practice his profession in accordance with section 806(d) and who is selected by the Secretary to provide service under such section, if such student fails either to begin his service obligation or to complete such service obligation in accordance with such section he shall be liable for the payment of an amount determined in accordance with the formula—

$$A = 2\phi\left(\frac{t-s}{t}\right)$$

in which "A" is the amount which such student shall pay; "$\phi$" is the sum of the amount of any loan or loans paid to such student under this section and the interest on such amount; "t" is the total number of months in such student's period of obligated service; and "s" is the number of months of such period served by him in accordance with such section. Such amount shall, within the one-year period beginning on the date such amount becomes due, be paid by such student. Such amount shall be in addition to any amount which such student is obligated to pay under section 806(d).

(c) Section 823(h)(1)(C) is amended to read as follows:

"(C) who agrees in writing to practice his profession in accordance with section 806(d)."

(d) Section 823(h)(2) is amended—

(1) by striking "30 per centum" each place it occurs and inserting in lieu thereof "50 per centum" and

(2) by striking out paragraph (C).

(e) Effective July 1, 1974, section 824 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR STUDENT LOAN FUNDS

"SEC. 824. There are authorized to be appropriated for allotments under section 825 to schools of nursing for Federal capital contributions to their student loan funds established under section 822, $35,000,000 for the fiscal year ending June 30, 1975, $40,000,000 for the fiscal year ending June 30, 1976, and $50,000,000 for the fiscal year ending June 30, 1977, and for each of the two succeeding fiscal years. For the fiscal year ending June 30, 1980, and for each of the two succeeding fiscal years there are authorized to be appropriated such sums as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1979, to continue or complete their education.".

(f) Section 826 is amended by striking out "1977" each place it occurs and inserting in lieu thereof "1982".

(g)(1) Section 827 is repealed.

(2) The nurse training fund created within the Treasury by section 827(d)(1) of the Public Health Service Act shall remain available to the Secretary of Health, Education, and Welfare for the purpose of meeting his responsibilities respecting participations in obligations acquired under section 827 of such Act. The Secretary shall continue to deposit in such fund all amounts received by him as interest payments or repayments of principal on loans under such section 827. If at any time the Secretary determines the moneys in the fund exceed the present and any reasonable prospective future requirements of such fund, such excess may be transferred to the general fund of the Treasury.

REPEAL OF SCHOLARSHIP PROGRAM

SEC. 8. Effective July 1, 1974, sections 829, 860, and 861 are repealed.

ADVISORY COUNCIL MEMBERSHIP AN APPROVAL OF APPLICATION

SEC. 9. (a) The second sentence of section 841(a)(1) is amended to read as follows: "The appointed members of the Council shall include (A) seven representatives of nursing schools (including at least one from a collegiate school of nursing, one from an associate degree school of nursing, and one from a diploma school of nursing) and other institutions and organizations which provide nursing services, (B) seven full-time students enrolled in such nursing schools, and (C) five members of the general public.".

(b) Section 807(b) is amended by adding at the end thereof: "The Secretary shall not approve any such application unless such application has been recommended for approval by such council."

DELEGATION

SEC. 10. Part C of title VIII is amended by adding at the end thereof the following new section:

"DELEGATION

"SEC. 846. The Secretary may delegate the authority to administer any programs authorized by this title to the administrator of a central office or offices in the Department of Health, Education, and Welfare, but such authority shall not be further delegated to any officer in any regional office or offices."

EXTENSION OF PROGRAM TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR NURSING

SEC. 11. Section 868(b) is amended by striking out "and" after "1973;" and by inserting before the period a semicolon and "$6,500,000 for the fiscal year ending June 30, 1975, and for each of the four succeeding fiscal years".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 12. (a)(1) Section 802 is amended—

(A) by striking out "section 806(e) of this Act" in subsection (b)(2) and inserting in lieu thereof "section 806(c)";

(B) by striking out "(hereinafter in this part referred to as the 'Council')" in the first sentence following paragraph (5) of subsection (b); and

(C) by striking out "(e)" each place it occurs in the last sentence following such paragraph and inserting in lieu thereof "(c)".

(2) Section 806(a) is amended by striking out "Council" and inserting in lieu thereof "National Advisory Council on Nurse Training";

(3) Section 806(g) is amended by striking out "part and part D" each place it occurs and inserting in lieu thereof "title".

(b) Sections 822(a), 823(b), 823(c), 825(b)(2), and 826(a)(1) are each amended by striking out "of Health, Education, and Welfare".

(c) Section 822(b)(2)(B) is amended by striking out "under this part" and inserting in lieu thereof "from allotments under section 825".

(d)(1) Section 825 is amended—

(A) by striking out "(whether as Federal capital contributions or as loans to schools under section 827)" in subsection (a); and

(B) by striking out ", and for loans pursuant to section 827," in subsection (b)(1).

(2) Section 826(b) is amended by striking out "(other than so much of such fund as relates to payments from the revolving fund established by section 827(d))".

(3) Section 828 is amended by striking out "or loans".

(e) Section 830 is—

(1) transferred to section 823 and inserted after subsection (i) of such section; and

(2) is amended by striking out "SEC. 830 (a)" and inserting in lieu thereof "(j)".

(f) Section 841 is amended (1) by striking out subsection (b); (2) by striking out "(a) (1)" and inserting in lieu thereof "(a)"; and (3) by striking out "(2)" and inserting in lieu thereof "(b)".

(g)(1) The matter preceding paragraph (1) of section 868(a) is amended by striking out "not to exceed $100,000 per year per contract (without regard to section 3709 of the Revised Statutes (41 U.S.C. (5))".

(2) Section 868(a) is amended by inserting after and below paragraph (3) the following:

"The amount of any grant or contract under this subsection shall be determined by the Secretary, except that the amount of any contract in any fiscal year may not exceed $100,000. Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)."

(h) Section 869 is repealed.

(i)(1) Section 828 is redesignated as section 827.

(2) Section 822(b) is amended by striking out "section 829" each place it occurs.

(j)(1) Part D of title VIII is inserted after part B of such title and redesignated as part C; and section 868 is redesignated as section 841.

(2) The heading for part C (as so redesignated) is amended to read as follows: "ASSISTANCE TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR NURSING".

Mr. JAVITS. Mr. President, the bills I introduce today with Senator KENNEDY—the Health Professions Educational Assistance Act of 1974 and the Nurse Training Act of 1974—respond to the serious problems of shortages and geographic and specialty maldistribution of physicians, dentists, nurses, and other health professionals which affects the well-being of millions of Americans.

HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE ACT OF 1974

I believe it is our responsibility to assure public accountability for the large sums of taxpayer dollars which are uniquely spent for the education of health professionals through capitation support to their schools and thus indirectly on their behalf. Our bill will assure that this financial support will begin to achieve the goal of providing at least minimal health resources to areas of our country which presently are drastically underserved.

The bill Senator KENNEDY and I developed and introduced provides a 5-year extension of existing health profession education assistance legislation, with some major changes, and at approximately reduced annual authorization level of $884 million as compared to existing law $1.1 billion. Our measure recognizes that the need to take decisive remedial action to correct the shortage and maldistribution of health manpower, which affects the well-being of millions of Americans, is an idea whose time has come.

I am very concerned that our country continues to rely upon the utilization of noncitizen foreign medical graduates, many drawn from where they are needed now at their home countries—FMG's—rather than educating and training the requisite numbers of qualified Americans to achieve the goal of eliminating the physician shortage. I can find no reasonable, intellectual, or philosophical rationale for this Nation to take from less-fortunate underdeveloped nations their desperately needed medical manpower to meet our national needs for physicians. My concern and views on this matter have been regularly expressed to Secretary Weinberger, and I have stated:

As you know, I find it almost degrading for our nation to take desperately needed medical manpower from developing nations with desperate health and economic problems to meet our nation's physician shortage. Moreover, I believe that so long as foreign medical graduates are used to alleviate our medical manpower shortage, our nation will continue to be dependent on this source and that this is improper and deplorable.

With respect to the serious problem of medical, dental, nursing, and other health profession maldistribution: for example where there are 140 counties in America without any doctor—our bill addresses this issue by insuring that there will be a return on the Federal dollars spent for health professionals' education. The bill requires those health professional schools which voluntarily accept Federal capitation support to contract with their student whereby after graduation and licensure the student agrees to serve in his profession for 2 years in a medically underserved area. These geographic areas would be designated by the Secretary. Provision is made to enable a State to determine its need for health professionals to serve in medically underserved areas within that State, on a priority basis and to the maximum extent feasible "matchup" student with appropriate underserved area. In addition, when and if there is more health manpower than required for such underserved areas, there is provision for a "lottery" system of random selection. Those who do not provide service would thus have their service requirement waived. Also, there could be a waiver by the Secretary if dictated by equity and good conscience.

I believe we should insure stable financial support for national resource institutions through capitation grants. However, this support cannot remain unfettered when there is no evidence the institutions have redressed specialty or geographic maldistribution.

The mandatory service proposed by the bill is an essential response to the documented failure of loan forgiveness provisions to achieve the goal of providing service in underserved areas, evidenced by the May 24, 1974, Comptroller General's report to the Congress on the subject.

The bill is also designed to set in place Federal uniform minimum licensure requirements—in great measure those examinations by the National Board of Medical Examiners now in effect on a national basis—determined by the Secretary in consultation with appropriate professional groups. The establishment of uniform minimum licensing requirements would require each State to be responsible that its own licensure standards will at a minimum meet the Federal requirements. However, the Federal standards will require oral and written comprehension of the English language—a provision which addresses the FMG problem—and prohibit residency requirements for licensure. Also, there is provision for recertification, adopting the once-every-6-year recertification concept of the presently in existence family practice of medicine physician professional specialty. Its only other requirement is that there can be no recertification unless obligated service has been provided or waived, and for the specialist that he or she have completed such specialty in an approved residency training program.

The establishment of an approved residency training program will be the direct result of professional organization consultation and recommendations to the Secretary.

The recently released study entitled "Foreign Trained Physicians and American Medicine," undertaken at the suggestion of the Department of Health, Education, and Welfare, described the extent of the problem as follows:

One of every six physicians now practicing in the United States is a graduate of a medical school outside the United States and Canada. If Canadian graduates are also included, the proportion of foreign medical graduates in the United States rises to almost one-fifth. Altogether there are more than 63,000 foreign trained physicians in the United States.

In addition the study shows:

The majority of foreign medical graduates in internship and residency positions in this country—whatever their initial intentions—elect to remain in the United States. Thus, this country is the recipient of substantial "reverse foreign aid." The United States is reaping the rewards of investments made by other countries in the education of physicians, and those countries are suffering a long-term loss of physician services.

The problem for New York is further complicated, for as the report states:

The uneven geographical distribution of foreign trained physicians should also be stressed. About one-fourth of all foreign trained physicians (10,999 of 45,816) in the United States are in New York City. . . Taking the state of New York as a whole, foreign medical graduates represented about 19 percent of all physicians in 1959; the proportion has risen steadily, until now about 36 percent of physicians in the state are graduates of foreign schools.

Also:

For sheer numbers of foreign trained residents, New York leads all other states, as it does in the number of foreign trained physicians as a whole.

It is the goal of this bill, not only to deal with the shortage of health personnel, but to assure that those citizens who have little or no access to health resources, yet are contributing their tax dollars to professionals' education, will receive for their Federal investment the necessary health care benefits.

NURSE TRAINING ACT OF 1974

If we are to fulfill the goal of providing quality health care to the American people, we need a balanced program of support to nursing schools and nursing students. Unless we act decisively we will not have enough nurses to meet the growing demands essential for quality health care.

Accordingly we developed and are introducing this separate bill for nursing which is similar to the Health Professionals Educational Assistance Act of 1974.

Health care systems cannot operate—let alone expand and improve, which inevitably must happen with the advent of national health insurance—unless the supply of such key well-prepared human resources is increased. It is well recognized that a critical shortage exists in all categories of health personnel. But the situation is particularly grave in the category of nursing personnel.

There are an estimated 778,000 registered nurses in practice in the United States today, with 226,000 of these working part time. According to the Health Resources Administration of the Department of Health, Education, and Welfare, the projected need for next year, 1975, is 1 million nurses. This projection—a shortage of approximately 500,000 full time practicing registered nurses—is without reference to the need which will result from a national health insurance program.

Quality health care is a right for all Americans and this bill seeks to recognize the crucial role played by nursing personnel to make that right a reality.

Mr. MAGNUSON. Mr. President, I am pleased to join today with the distinguished chairman of the Health Subcommittee, Mr. KENNEDY, and with the Senator from New York (Mr. JAVITS) in introducing legislation to extend and expand the National Health Service Corps.

As the author of the legislation that created the NHSC, I am extremely pleased with the success it has enjoyed thus far in bringing quality health care into communities that traditionally have not had such care available. Today, there are over 400 corpsmen serving in over 170 communities—communities which otherwise would still be without proper health care services. In my own State of Washington there are now 10 NHSC assignees working in 7 communities and later this year that number should increase to 11 communities. From my visits in many of those areas, I know what a fine and dedicated job these health professionals are doing. Consequently, I look forward to an expanded NHSC which can provide similarly dedicated and hard-working health professionals for many more of the 5,000 U.S. communities that still lack sufficient health personnel. The legislation being introduced today, which will extend the Corps for another 5 years, will go far toward making that possible. Also, I believe the new—and very positive—attitude which the administration has recently shown toward the NHSC should be of measureable assistance in that regard. During testimony before the Senate Health Subcommittee on April 30, Assistant Secretary for Health Edwards said:

> Considering such factors as the loss of the physician draft and the difficulties associated with establishing new programs, we believe the NHSC has made reasonable progress in its first years of operation. We have, in the last several months, focused more attention on the Corps and brought about a beneficial redirection and strengthening of the program. The accomplishments I have cited as examples provide us with sufficient encouragement to wholeheartedly endorse the continuation of this program for three years. The Corps has now proven that it is an effective mechanism for assisting communities critically short of health manpower to establish and sustain appropriate health practices.

The NHSC represents the first major step taken by the Federal Government to directly confront the critical problems posed by the maldistribution of health-care personnel. It is fitting, then, that the legislation introduced today to extend the NHSC also proposes a further tool for dealing with the maldistribution problem. Specifically, the bill proposes to require physicians and other health professionals who receive so much of their education at Federal expense to serve 2 years in health manpower shortages areas—either in private practice or as part of the NHSC. Mr. President, while I am not wedded to such a mandatory approach, I do believe it is essential that this and any other possible approaches to solving the maldistribution problem that may be proposed during hearings on this bill be thoroughly scrutinized.

This legislation also proposes new approaches to the problems of health manpower certification. Here again, I believe these are approaches which must be considered carefully and which, hopefully, will also stimulate experts in the field to bring further suggestions before the Congress for consideration.

Finally, Mr. President, as chairman of the Health Appropriations Subcommittee, I would point out that the authorizations contained in this bill total some $4.5 billion over 5 years and note that the actual levels of funding will, of course, have to be determined within the context of other demands on the health-care dollars.

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By Mr. MONDALE (for himself and Mr. HUMPHREY):

S. 3588. A bill to amend the Social Security Act to prevent State supplementation benefits from being reduced on account of increases in the level of benefits payable under the supplemental security income program, to prevent certain individuals from losing medicaid eligibility, because of increases in social security benefits or supplemental security income benefits, and for other purposes. Referred to the Committee on Finance.

Mr. MONDALE. Mr. President, we all know that senior citizens are among the hardest hit in a time of inflation. Inflation is certainly a tremendous problem for all families, but those living on fixed incomes must suffer more than most.

This message was brought home to me with new intensity recently by a rally of thousands of senior citizens in Minneapolis. I and other members of the Minnesota congressional delegation were invited to attend the rally, which was sponsored by the Metropolitan Senior Federation. At the rally, senior citizens vividly described how inflation and social security increases are eating away their already meager incomes:

One resident of a high rise apartment building for the elderly told us that she lost 25 percent of her last social security increase time to a rent increase.

The widow of a World War I veteran told us that when social security went up January 1, she lost more than $12 a month from her pension. She said:

I guess we're out of sight and out of mind.

A World War II veteran told us that his pension is "being chipped away at—and if the chipping continues, there won't be any pension left."

The basic problem is that when social security goes up, senior citizens often fail to qualify for or else lose part of other necessary benefits, such as public housing and food stamps.

At this point I request unanimous consent to print in the RECORD a document describing the effect of this year's 11 percent social security increase on senior citizens in Minnesota. This document was prepared by the Metropolitan Senior Federation.

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

THE 11-PERCENT SOCIAL INSECURITY INCREASE: YOU MAY NEVER SEE IT

What is the new social security increase on paper?

On paper, seniors on social security are receiving the following across-the-board increases:

April, 1974: 7% temporary increase.

July, 1974: 4% additional increase, making an 11% total permanent increase (U.S. Public Law 93–627)

Will all seniors receive this 11% increase?

No. There are basically six categories of seniors in Minnesota who will never see the entire 11% increase:

Seniors receiving food stamps.

Seniors in public housing.

Seniors on World War I pensions.

Seniors receiving or eligibile for SSI.

Seniors receiving non-service disabled veterans pensions.

Seniors using Minnesota rent or property tax credit.

How many seniors does this involve?

An estimated two hundred eighty-two thousand seniors in Minnesota. Of these, approximately ninety-eight thousand federal as well as state benefits.

Why do these seniors lose out on their 11% increase?

Basically because the other benefits which seniors receive are closely tied to their income, which includes social security payments. With the 11% increase, these other benefits will be reduced or cut off. The following is a breakdown for what happened in each category:

1. Food stamps: Affects approximately 10,000 seniors in Minnesota. The amount of food stamps a person can get per dollar is tied directly to income; when social security goes up, then the cost of food stamps increases. These regulations are established by the U.S. Department of Agriculture. Maximum monthly loss from 11% increase: $28. (U.S. Code, Title 7, Chap. 51)

2. Public housing: Affects approximately

10,000 seniors in Minnesota. Rent for public housing is set at 25% of adjusted gross income (about 10% less than total gross), as regulated by HUD. Thus, about one-fourth of the new 11% increase is automatically lost to increase rent. Maximum monthly loss from 11% increase: $20. (U.S. Code, Title 12, Chap. 13, s. 11)

3. World War I pensions: Affects 21,922 seniors in Minnesota.

The amount of WWI pensions is tied to other income, including social security. Then social security goes up, the pension goes down according to a set formula. Further, when a senior goes above the cutoff point of $2600/yr., he or she loses *all* of the pension. Maximum monthly loss from 11% increase: $43. (U.S. Public Law 93-177)

4. SSI: Affects up to $56,000 seniors in Minnesota.

SSI guarantees a minimum income. But for seniors who presently receive social security payments under that minimum there will be no increase at all; every dollar gained under social security is lost under SSI. Maximum monthly loss from 11% increase: $16. (U.S. Public Law 93-627)

5. Non-service disabled veterans pensions: Number of Minnesotans affected unknown.

This pension program provides a pension for veterans disabled while out of the service. The maximum income allowable for a single pensioner is $2600 per year. When seniors gain in social security, they lose some of these pension benefits. Further, a social security increase which would push a senior over $2600 per year would result in a loss of total income. (U.S. Public Law 92-198)

6. Minnesota Rent and Property Tax Credit for Seniors: Affects 282,000 seniors in Minnesota.

Seniors with an income below $6000 per year can deduct part of their rent or property tax from their Minnesota income tax. But this too is tied to income, and since the schedule is in steps with sharp drops in the credit allowed as income increases, most seniors will lose 7% to 30% of their social security increase. Maximum monthly less from 11% increase: $120. (Minn statute 290, Article XVI)

Overall effect of increase: Some 282,000 seniors in Minnesota will not receive a full 11% increase in income this year. Some will get a couple of dollars less than 11% each month. Some will only get half the increase. And some seniors will have a smaller net income after the increase than before.

What is needed: Federal legislation to either raise federal benefits at the same rate as social security, or to ban any loss of federal benefits due to social security increases.

State legislation to raise the rent credit scale at the same rate as social security, and perhaps to also eliminate the sharp drops in the rent credit scale for seniors.

Mr. MONDALE. As my colleagues know, the sad thing is that we have been through all this before. In 1972 I introduced and the Senate passed legislation that would have prevented the elderly from losing benefits when social security is increased. Unfortunately, no comparable provision was approved by the House, and the measure was deleted in conference committee.

Today I and Senator HUMPHREY and Representatives DON FRASER and JOSEPH KARTH in the House, are introducing legislation that we hope will get at this problem for once and for all.

Since the last "pass-through" was approved by the Senate, we have created a new guaranteed income program, supplemental security income—aid to the aged, blind, and disabled. The problems of implementing that program and the transition from the former aid to the aged program have caused great confusion among many senior citizens in Minnesota.

Senator HUMPHREY and I and others have already introduced an amendment which would assure that Federal SSI payments go up automatically when social security goes up. The bill we are introducing today would also require States to raise their contributions to SSI enough so that no one loses any benefits when social security payments increase and would provide for Federal payment of 50 percent of any increased costs to the States.

This bill will also assure that the elderly do not lose other essential benefits—food stamps, medicaid, public housing, and veterans pensions—when their income rises due to a social security increase.

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

S. 3588

A bill to amend the Social Security Act to prevent State supplementation benefits from being reduced on account of increases in the level of benefits payable under the Supplemental Security Income Program, to prevent certain individuals from losing Medicaid eligibility because of increases in social security benefits or supplemental security income benefits, 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 XVI of the Social Security Act is amended by adding immediately after section 1616 the following new section:

"OPERATION OF STATE SUPPLEMENTATION PROGRAMS

"SEC. 1617. (a) In order for any State (other than the Commonwealth of Puerto Rico, Guam, or the Virgin Islands) which has in effect a program of supplementation payments described in section 1616(a) to be eligible for payments pursuant to title XIX, with respect to expenditures for any calendar quarter which begins—

"(1) in the case of a State which on the date of enactment of this section has in effect such a program, more than 60 days after the date of enactment of this section, and

"(2) in the case of a State which on the date of enactment of this section does not have in effect such a program, after the calendar quarter in which supplementation payments are first made under such program,

such State must have in effect an agreement with the Secretary whereby the State will—

"(3) continue to operate such program,

"(4) maintain, under such program, a level of benefits which is not lower than the level of benefits under the program for the first month that the program was in effect, or (if later) January 1, 1974, increased by—

"(A) in the case of a State that has in effect such a program on the date of the enactment of this section, the aggregate amount of the increases which have occurred in the level of supplemental security income benefits payable under this title (as determined under regulations of the Secretary) since the date of enactment of this title, and

"(B) in the case of a State which does not have in effect such a program on the date of the enactment of this section, the aggregate amount of the increases which have occurred in the level of supplemental security income benefits payable under this title (as determined under regulations of the Secretary) since the first month with respect to which payments are made under the program.

"(b) (1) If any State has in effect an agreement under subsection (a), the Secretary shall (in accordance with paragraph (2)) pay to the State an amount equal to one-half of the additional expenditures (exclusive of costs of administration) incurred during any period for which the agreement is in effect, in making benefit payments under the program to which the agreement relates, solely by reason of the meeting, by such State, of the requirement imposed by subsection (a) (5).

"(2) Any amount to which a State is entitled under paragraph (1) shall be paid to such State at such times and in such installments as may be agreed upon between the Secretary and such State; except that, in the case of a State which has an agreement entered into under subsection (b), any such amount shall be payable at the same time as that provided by such agreement for payments due thereunder, with appropriate setoffs being made.

"(3) Expenditures with respect to which a State is entitled to a payment under paragraph (1) shall not, for purposes of section 401 of the Social Security Amendments of 1972, be considered to be payments made under an agreement entered into under section 1616."

SEC. 2. (a) Section 212(a)(3)(C)(i) of Public Law 93-66 is amended by inserting "(except that, there shall not be counted so much of any such benefit for any month as is attributable to any increase made in the level of supplemental security income benefits after the date of enactment of such title XVI)" immediately after "Social Security Act".

(b) Section 212(c)(2) of Public Law 93-66 is amended by striking out "Supplementary" and inserting in lieu thereof "Subject to paragraph (3), supplementary".

(c) Section 212 (c) of Public Law 93-66 is amended by adding at the end thereof the following new paragraph:

"(3) (A) If any State has in effect an agreement under subsection (a), the Secretary shall (in accordance with subparagraph (B)) pay to the State an amount equal to one-half of the additional expenditures (exclusive of costs of administration) incurred during any period for which the agreement is in effect, in making benefit payments pursuant to the agreement, solely by reason of the meeting, by such State, of the requirement imposed by the matter in parentheses contained in subsection (a)(3)(C)(i).

"(B) Any amount to which a State is entitled under subparagraph (A) shall be paid to such State at such times and in such installments as may be agreed upon between the Secretary and such State; except that, in the case of a State which has an agreement entered into under subsection (b), any such amount shall be payable at the same time as that provided by such agreement for payments due thereunder, with appropriate setoffs being made.

"(C) Expenditures with respect to which a State is entitled to a payment under subparagraph (A) shall not, for purposes of section 401 of the Social Security Amendments of 1972, be considered to be payments made under an agreement entered into under section 1616 of the Social Security Act."

(d) The amendments made by the preceding provisions of this section shall be applicable in the case of State supplementary payments made pursuant to an agreement entered into (or which is deemed to have been entered into) under section 212 of Public Law 93-66 for or with respect to calendar months which begin more than 60 days after the date of enactment of this Act.

SEC. 3. (a) Title XIX of the Social Security Act is amended by adding at the end thereof the following new section:

"DISREGARDING OF CERTAIN INCOME IN DETERMINING ELIGIBILITY FOR BENEFITS

"SEC. 1911. (a) In addition to other requirements imposed by law as a condition of approval of a State plan under this title, there is hereby imposed (and each State plan approved under this title shall be deemed to contain) the requirement that—

"(1) in determining, for purposes of establishing eligibility for benefits under the State plan, the income of any individual who is entitled to monthly insurance benefits under title II, there shall be disregarded an amount of the income of such individual derived from such benefits equal to the aggregate of the increases in the level of social security benefits which have occurred since the first month (in a continuous period of months) for which such individual was entitled to such benefits, or, if later, the month of February 1974, and

"(2) if such plan does not confer eligibility for benefits upon all recipients of supplemental security income benefits (payable under title XVI) and all recipients of State supplementation payments (as described in section 1616 (a)), in determining, for purposes of establishing eligibility for benefits under the State plan, the income of any individual who receives any such benefit or payment, there shall be disregarded from any income of such recipient an amount equal to the aggregate of the increases in the level of supplemental security income benefits which have occurred since title XVI was first enacted.

"(b) The provisions of subsection (a) shall be applicable with respect to determinations of eligibility for benefits under a State plan approved under this title with respect to periods which begin on or after the first day of the first calendar month which commences more than 60 days after the date of enactment of this section."

SEC. 4. (a) Subsection (g) of section 415 of title 38, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) In determining the annual income of any individual who is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, the Administrator, before applying paragraph (1)(G) of this subsection shall disregard any part of such benefits which results from (and would not be payable but for) the increase in benefits under such program provided by section 201 of Public Law 93–66 (as amended by the first section of Public Law 93–233) or section 2 of Public Law 93–233, or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act."

(b) Section 503 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In determining the annual income of any individual who is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, the Administrator, before applying subsection (a)(6) of this section, shall disregard any part of such benefits which results from (and would not be payable but for) the increase in benefits under such program provided by section 201 of Public Law 93–66 (as amended by the first section of Public Law 93–233) or section 2 of Public Law 93–233, or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act."

(c) In determining the annual income of any person for purposes of determining the continued eligibility of that person for, and the amount of, pension payable under the first sentence of section 9(b) of the Veterans' Pension Act of 1959, the Administrator of Veterans' Affairs shall disregard, if that person is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, any part of such benefits which results from (and would not be payable but for) the increase in benefits under such program provided by section 201 of Public Law 93–66 (as amended by the first section of Public Law 93–233) or section 2 of Public Law 93–233, or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act.

SEC. 5. Notwithstanding any other provision of law in the case of any individual who is entitled for any month after February 1974 to a monthly benefit under the insurance program established by title II of the Social Security Act, any part of such monthly benefit which results from (and would not be payable but for) the increase in benefits under such program provided by section 201 of Public Law 93–66 (as amended by the first section of Public Law 93–233) or section 2 of Public Law 93–233, or which results from (and would not be payable but for) any cost-of-living increase in such benefits subsequently occurring pursuant to section 215(i) of the Social Security Act, shall not be considered as income or resources or otherwise taken into account for purposes of determining, for any month after the month in which this Act is enacted, the eligibility of such individual or the family of such individual or the household in which such individual lives for participation in the food stamp program under the Food Stamp Act of 1964 or for admission to or occupancy of low-rent public housing under the United States Housing Act of 1937, for subsidized mortgages or rentals under title II of the National Housing Act.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1665

At the request of Mr. GRAVEL, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 1665, the airlines mutual aid agreement bill.

S. 2050

At the request of Mr. JAVITS, the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 2050, the Domestic Enterprise Bank Act.

S. 3130

At the request of Mr. RIBICOFF, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 3130, the Shepaug River Act of 1974.

S. 3234

At the request of Mr. HUMPHREY, the Senator from New Mexico (Mr. MONTOYA) and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 3234, a bill to authorize a vigorous Federal program of research and development to assure the utilization of solar energy as a major source for our national energy needs, to provide for the development of suitable incentives for rapid commercial use of solar technology and to establish an Office of Solar Energy Research in the U.S. Government.

S. 3280

At the request of Mr. KENNEDY, the Senator from Kansas (Mr. PEARSON) and the Senator from Utah (Mr. MOSS) were added as a cosponsor of S. 3280, the Health Services Act of 1974.

S. 3339

At the request of Mr. HUMPHREY, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 3339, a bill to amend the program of supplemental security income for the aged, blind, and disabled—established by title XVI of the Social Security Act—to provide for cost-of-living increases in the benefits provided thereunder.

S. 3443

At the request of Mr. MONDALE, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 3443, the Petroleum Moratorium Act of 1974.

S. 3556

At the request of Mr. PERCY, the Senator from Connecticut (Mr. RIBICOFF) was added as a cosponsor of S. 3556, the Highway Energy Conservation and Safety Act of 1974.

SENATE JOINT RESOLUTION 173

At the request of Mr. DOMINICK, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Joint Resolution 173, to authorize and request the President of the United States to appoint a National Commission for the Control of Epilepsy and its Consequences.

## CHANGE OF REFERENCE

Mr. COOK. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of the bill (S. 3488) for the relief of William T. Owens, and that the bill be referred to the Committee on the Judiciary.

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

## SENATE CONCURRENT RESOLUTION 88—SUBMISSION OF A CONCURRENT RESOLUTION RELATIVE TO NATIONAL ECONOMIC EMERGENCY

(Referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. NELSON. Mr. President, with increasing frequency and severity, the symptoms of our Nation's ailing economy have revealed themselves to us. Inflation for the first quarter of 1974 is at a staggering annual rate of 11.5 percent. Real output of our economy decreased at an annual rate of 6.3 percent, the largest quarterly drop in production since the recession of 1958. Unemployment throughout the first quarter exceeded an unacceptably high 5 percent, and there is every expectation that it will rise substantially, later this year.

The warning signals have become danger signals; the problems have become emergencies. Even the most prudent and respected financial journals have said bluntly in their headlines that the economy is in a crisis. Arthur Burns, Chairman of the Federal Reserve Board, has stated that if the present inflation continues it would "threaten the very foundation of our society."

I would only add to Dr. Burns' statement that this crisis goes beyond our

own borders and threatens the economic stability of every market in the world and the well-being of every nation.

These problems did not come into being overnight. I am aware of no simple explanation for any one of them. Yet it is clear to me that certain policies, or lack of policies, are at least partly responsible for our current situation.

We have mismanaged and wasted our most critical natural resources—everything from food to petroleum to metals to fertilizer—and failed to plan for a time when these resources would be in short supply. We have permitted giant corporations and monopolistic industries to make decisions which serve themselves but disserve society. We needlessly pour tens of billions of dollars, this year nearly a hundred billion dollars, into areas which are supposed to provide for our national defense, but actually contribute to an inflated military budget, to an unfavorable balance of trade, and ultimately to a situation of runaway inflation. For no reason that I can understand, we continue to tolerate tax laws, which act like a backwards Robin-Hood: they steal from the poor and give to the rich.

All of these, in my opinion, have contributed to the economic problems facing our Nation and its citizens, and I have introduced or sponsored legislation which addresses itself to each of these misconceived policies.

But now we face a crisis, an emergency, which requires something more.

Every foreign government and every branch of our own Government shares the responsibility for attempting to understand and reverse these disturbing trends of inflation, unemployment, and recession. Congress should not be in the position of having failed to explore all possible courses of action. For us, therefore, an immediate question is what the Congress can do.

It is possible that there are no legislative solutions to these problems, but I believe we must make a good faith effort to see if there are. I believe that we must attempt to act together to lead our Nation at this critical time.

It is in this spirit and with these goals that I propose, on behalf of Senators HART, HUMPHREY, and JAVITS, a concurrent resolution which would:

First, express the resolve of Congress to act affirmatively and meaningfully against this Nation's economic ills.

Second, establish a procedure whereby Congress could attempt, systematically and scientifically, to understand and begin to solve the problems of inflation, recession and unemployment. The gist of it is to bring economists and other experts, representative of a broad spectrum of political points of view and philosophies, together and ask them to do something unusual. They will not be asked simply to testify on inflation and recession, but instead to see where they can agree on proposed legislative solutions.

These experts, comprising an "Advisory Board," would transmit their recommendations to the Joint Economic Committee who, in turn, would draft legislation and provide these legislative recommendations to the majority and minority leaders of both Houses of Congress. The leadership then would attempt to insure that these legislative recommendations are considered by all the relevant committees and that any legislation is speedily reported to both Houses of Congress.

The Advisory Board would be composed of leading economists, businessmen and other experts in such areas as fiscal, monetary, manpower, trade, and natural resources policy. Of course, the resolution accommodates situations where the experts cannot agree and situations where they recommend further congressional study in particular areas.

The resolution would provide the JEC and its staff with the resources to carry out these duties and to continue to study these critical questions. In addition, the JEC would implement any specific recommendations for further study made by the assembled group of experts.

There have been a multiplicity of different proposals and suggested courses of action to remedy our economic ills. The objective here is to attempt to find, where possible, a consensus on such proposed remedies among experts of differing points of view, and to permit Congress to benefit from any such consensus.

Mr. President, this is a means for Congress to take an important initiative in a time of national crisis. By itself it recommends no substantive changes in economic policy but creates a climate whereby Congress can receive such substantive recommendations and know that they reflect the views of a consensus of experts.

Mr. President, I ask unanimous consent that this concurrent resolution be printed in the RECORD at the close of my remarks.

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

S. CON. RES. 88

Whereas, the nation is suffering from the effects of severe inflation; and

Whereas, the nation is suffering from the effects of unacceptable unemployment; and

Whereas, the nation is being exposed to the danger of acute economic recession; and

Whereas, such inflation, unemployment and recession threaten the stability of the nation's economy and the welfare of all its citizens; and

Whereas, such inflation, unemployment and recession are related to and symptomatic of a number of other present and potential ills facing the nation; and

Whereas, any attempt to reduce such inflation, unemployment, recession and other related economic ills, or to ease the effects thereof, necessary involves a great number of different and important policy questions, including without limitation, questions of fiscal policy, monetary policy, taxation, labor and manpower, foreign trade, military spending, trade regulation, protection of competition, and allocation and conservation of food, energy and other critical resources; and

Whereas, emergency action by Congress is required, and because of the diversity of issues raised, it is necessary for Congress to act expeditiously and coordinate action among its various committees and subcommittees; and

Whereas, experts have testified before various congressional committees with respect to such inflation, unemployment and recession and to related economic problems, but have never been brought together in a forum provided by Congress to attempt to develop recommended legislation which would reduce such economic ills, or ease the effects thereof.

Now, therefore, be it *resolved* that:

1. Congress hereby declares that an emergency situation exists with respect to the problems of inflation, unemployment and the danger of recession, and resolves to attempt to reform existing policies and establish new policies that will reduce inflation, unemployment and recession, as well as other economic ills, or ease the effects thereof.

2. Congress hereby charges the Joint Economic Committee ("JEC"), with the assistance of the Advisory Board described hereinbelow, with the duties of

(a) assessing the state of the economy and determining the principal causes of the current inflation, unemployment and recession; and

(b) to the maximum extent possible, drafting legislative recommendations and other recommendations to reduce inflation, unemployment and recession, both now and in the future, and reporting such recommendations to the Majority and Minority leaders of both Houses of Congress; and

(c) determining what longer-range studies are necessary to improve Congress' understanding of and ability to deal with the problems of inflation, unemployment and recession and other major economic ills; and

(d) reviewing and making recommendations with respect to the process by which both Congress and the Executive formulate and execute economic policy.

3. The JEC shall appoint an Advisory Board ("the Board") composed of not less than 20 nor more than 30 economists, businessmen and other experts in such areas, as fiscal policy, monetary policy, taxation, labor and manpower, foreign trade, military spending, trade regulation, protection of competition, and allocation and conservation of food, energy and other critical resources, and

4. The members of the Board shall be representative of divergent political points of view and economic philosophy; and

5. The Board shall, according to rules and procedures established by the JEC, make legislative recommendations and other recommendations for consideration by the JEC in performing its duties under this Concurrent Resolution, and where the Board cannot agree it shall, according to these rules and procedures, provide the JEC with alternative legislative and other recommendations.

6. Congress hereby charges the Majority and Minority leaders of the Senate and House of Representatives with the duties of

A. Receiving any legislative recommendations made by the JEC pursuant to this Concurrent Resolution, and

B. Attempting to establish procedures which would ensure that such legislative recommendations are referred for committee consideration in a manner which would

(1) expedite, to the greatest extent possible, such committee consideration and reporting of such proposed legislation to the Senate and House of Representatives, and

(2) permit, to the greatest extent possible, participation in such committee consideration of Senators and Congressmen familiar with legislation in the areas of fiscal policy, monetary policy, taxation, labor and manpower, foreign trade, military spending, trade regulation, protection of competition, and allocation and conservation of critical resources; and

7. The JEC and its staff shall continue to study, and to make legislative recommendations and other recommendations addressed to, the ills besetting the nation's economy, and, particularly, to carry on any

study proposals recommended by the Advisory Board.

8. Congress shall provide the JEC and its staff with the resources to carry out its duties under this Concurrent Resolution

CONGRESS MUST PROVIDE LEADERSHIP ON NATION'S ECONOMIC PROBLEMS

Mr. HUMPHREY. Mr. President, the unique and serious nature of our Nation's current economic ills, coupled with an apparent inability for a distracted administration to develop effective remedies to them, requires that Congress take the initiative in leading the American people out of the present frightening economic maze.

Never before in our history have the American people been harassed and our policymakers confounded by simultaneous high inflation, high unemployment, and economic recession. In fact, traditional economic theory has always held that this combination was impossible.

Yet, in the first quarter of this year our people confronted—

A rate of inflation that soared at an annual rate of 11.5 percent;

A recessionary drop in national output of 6.3 percent, at an annual rate, the largest single quarter drop since the recession of 1958; and

An unacceptably high 5-percent rate of unemployment, and the projection of a 6-percent rate by the end of the year.

The seriousness of our economic problems was recently underscored by Dr. Arthur Burns, the distinguished Chairman of the Federal Reserve Board. He warned that, if the present rate of inflation continues, "it would threaten the very foundation of our society."

Mr. President, the concurrent resolution that Senator NELSON and I have introduced with Senators HART and JAVITS today, will provide the congressional focus needed to develop solutions to our Nation's economic problems.

This resolution does the following:

It expresses the firm intent of Congress to act positively and effectively to reduce the Nation's economic problems;

It requires the Joint Economic Committee to assemble a group of leading economists, businessmen, and other experts, who will prepare specific legislative proposals for coping with inflation, recession, and unemployment; and

It directs the Joint Economic Committee to report its legislative recommendations to the House and Senate leadership for prompt consideration by the appropriate committees.

In essence, this resolution proclaims that our current economic crisis requires extraordinary congressional action, establishes a mechanism for carrying out such action, and pledges the full support of the leadership in both Chambers of Congress to this approach to dealing with our Nation's economic woes.

Mr. President, I believe that this resolution deserves the support of every Member of Congress. The people need to know that while their Government may not have all the answers to their economic problems, that it is making the extraordinary effort at finding them that the seriousness of these problems demands.

I hope that we will move quickly to pass this important resolution.



## SENATE RESOLUTION 334—SUBMISSION OF A RESOLUTION TO REFER S. 3587 TO THE U.S. COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. TOWER (for himself and Mr. BENTSEN) submitted the following resolution:

S. RES. 334

A resolution to refer the bill (S. 3587) entitled "A bill for the relief of Carla K. Finch" to the Chief Commissioner of the United States Court of Claims for a report thereon

*Resolved*, That bill (S. 3587) entitled "A bill for the relief of Carla K. Finch", now pending in the Senate, together with all the accompanying papers, is referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with such bill in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practical date, giving such findings of fact and conclusions thereon as will be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or as a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

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## EXEMPTION FROM DUTY CERTAIN REPAIRS ON U.S. VESSELS—AMENDMENT

AMENDMENT NO. 1388

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

"TAX ON TAX" AMENDMENT

Mr. COOK. Mr. President, this amendment to H.R. 8217 which I offer today for Senator BAKER, Senator BURDICK, and myself, was originally introduced by Senator BAKER and me as S. 3240. The following Senators are cosponsors of this amendment: the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wyoming (Mr. MCGEE), the Senator from North Dakota (Mr. YOUNG), the Senator from Tennessee (Mr. BROCK), the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Nebraska (Mr. HRUSKA), the Senator from Texas (Mr. TOWER), the Senator from Maine (Mr. HATHAWAY), the Senator from North Carolina (Mr. HELMS), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Hawaii (Mr. INOUYE).

I ask unanimous consent that the text of the amendment I submit today and the remarks I made on the introduction of S. 3240 on March 26, 1974, be inserted in the RECORD.

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

On page 10, strike everything after line 12, and insert in lieu thereof the following:

(h) TAX ON TELEPHONE BILLS.—

(1) Section 4253 of the Internal Revenue Code of 1954 (relating to exemptions to the tax imposed on communication services) is amended by inserting at the end thereof the following new subsection:

"(i) STATE AND LOCAL TAXES.—No tax shall be imposed under section 4251 on so much of any amount paid for services as is properly attributable to any tax imposed on the amount paid for services, or otherwise imposed on the providing of such services, by a State, or any political subdivision thereof, or the District of Columbia.".

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

Remarks by Senator COOK on March 26, 1974:

Mr. COOK. Mr. President, on behalf of myself and Senator BAKER I am pleased to introduce a bill which will amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communications services shall not apply to the amount of the State and local taxes paid for such services. The purpose of this legislation is to stop the Internal Revenue Service from levying a "tax on a tax." At the present time, IRS is requiring the telephone companies of 17 States and the District of Columbia to compute Federal tax on the total of the State sales tax plus the cost of local and long distance services. However, almost every State with a sales tax could eventually be affected.

For example, if your phone bill was $25 and the State sales tax 5 percent, your Federal tax would be figured on $26.25, rather than just $25. While the individual saving is small, we estimate it would save the constituents of the 17 States about $17 million a year.

The States in which the ruling is currently being enforced and the annual tax amounts which would be saved under my proposal are:

| | |
|---|---|
| Alabama | $700,000 |
| Florida | 4,000,000 |
| Illinois | 4,000,000 |
| Iowa | 500,000 |
| Kansas | 400,000 |
| Kentucky | 800,000 |
| Maine | 300,000 |
| Minnesota | 900,000 |
| Mississippi | 525,000 |
| Missouri | 1,000,000 |
| Nebraska | 250,000 |
| New Mexico | 260,000 |
| North Dakota | 125,000 |
| Pennsylvania | 2,000,000 |
| South Carolina | 200,000 |
| South Dakota | 150,000 |
| Tennessee | 1,000,000 |

By way of background it should be noted that in 1970, Congress voted to gradually eliminate the 10 percent Federal excise tax on communication services by reducing it by 1 percent a year over 10 years. Perhaps in anticipation of the lost revenue, the Internal Revenue Service issued a ruling in 1969 (69-151) which required telephone companies in four States to begin collecting the Federal excise tax on not only the cost of telephone services, but the amount of State or local sales tax as well. The IRS was in effect requiring a "tax on a tax." As a basis for the ruling, the tax-collecting agency of the Federal Government cited section 4253 of the Internal Revenue Code of 1954—a statute which had been on the books since 1932.

Citizens of many States became subject to the "tax on a tax" in July 1973 after an IRS ruling. The excise tax must be collected in this manner, the Government said, because various State laws allowed the State gross receipts tax on the telephone company to be passed on to the consumer. If the State law levied the sales tax directly on the consumer the Federal tax would only be levied on the cost of services. The Federal Government was drawing a mighty fine line—and citizens of many States were on the wrong side.

By December of 1973 the IRS had forced companies in 17 States to begin collecting the extra revenues which could amount to $17 million a year, and the IRS is continuing its audits in every State or locality where a sales tax could eventually be involved.

This bill, in effect, has been introduced today, in order to halt the ever-encroaching process whereby the ultimate consumer is or possibly would be further economically burdened by compounding services and taxes with still yet more taxes.

## DEVELOPMENT OF A FAIR WORLD ECONOMIC SYSTEM—AMENDMENTS

AMENDMENT NO. 1389

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

DENIAL OF TAX CREDITS TO U.S. FIRMS OPERATING IN NAMIBIA

Mr. MONDALE. Mr. President, I am submitting several amendments to the Trade Reform Act of 1973. The proposed amendments are intended to deny tax credits to American firms operating in territories that are deemed to be, by both the United Nations and the International Court of Justice, under illegal occupation. Therefore, these amendments express American concern over countries where basic human rights are still outrageously flouted and majority rule denied.

My amendments most specifically address themselves to the tragic situation in Namibia, an arid, mineral-rich country located in the southwestern corner of Africa. Namibia suffers a unique international wrong in the unlawful perpetuation of South African rule. This is compounded by the introduction into Namibia of the apartheid system and of the whole apparatus of arbitrary South African police laws and political trials.

It is 8 years since the general assembly, after other remedies had been exhausted, declared the South African mandate, dating from 1918, at an end, and with it, South Africa's right to govern the territory. It is 3 years since the International Court of Justice's advisory opinion concurring with the United Nations ruling. Yet South Africa remains in defiance of the United Nations.

The United States has continually supported the actions of the United Nations and of the World Court. To date, American action has been, first, to officially discourage investment in Namibia by U.S. nationals, second, to deny Export-Import Bank credit guarantees, third, to deny U.S. Government assistance in protection of any U.S. investment there, and fourth, to encourage other nations to follow suit. However, we allow tax credits, for taxes paid to the South African Government, on American investments in Namibia. We, in effect, allow tax credits to a government in places where we do not recognize their authority.

In 1972, 27 U.S. Senators and Representatives wrote a letter to the Secretary of the Treasury expressing concern over the inconsistency between international law and U.S. policy on the one hand, and the Treasury Department's allowance of credit against U.S. tax due to taxes paid by U.S. companies to South Africa on income earned, in Namibia, on the other. In a letter dated May 4, 1973, the Secretary of the Treasury, Mr. Shultz, replied to that letter, saying:

We have concluded that the existing tax credit legislation does not provide discretion to deny the tax credit to United States taxpayers, even though the occupation of the area by South Africa has been determined to be illegal under international law.

I believe that Secretary Shultz' reply was an invitation to the Congress to amend the Internal Revenue Code to disallow the foreign tax credit to U.S. investors in Namibia who are paying taxes to the illegal South African occupiers. Today, we should set the record straight and bring the tax laws into line with U.S. policy, and in total compliance with our international obligations.

There are important U.S. interests at stake in my amendments. Other nations of Africa, strategically important, are seriously concerned over Namibia. Their decisions on major economic and political questions may be affected by our actions on this issue. For example, Nigeria, a country whose government is a vigorous critic of South Africa's illegal administration of Namibia, supplies the United States 24 percent of its non-Arab oil imports. Moreover, one of the greatest potential areas for oil exploration in the world is in the offshore area of the western bulge of Africa. All of the countries in this area are strongly opposed to South Africa's presence in Namibia. Such strategic factors, together with diplomatic and humanitarian considerations compel our attention and our action on the Namibian issue.

Change is coming in Southern Africa. With the recent events in Portugal and in the Portuguese colonies, we must not delay in making it clear where the United States stands. This is the purpose of these amendments. I, therefore, believe that they deserve the support of the Congress and of the Government of the United States, for they are in keeping with our policies, our basic values, and our national interests.

## DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT 1974—AMENDMENTS

AMENDMENT NO. 1390

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

Mr. BAYH submitted an amendment, intended to be proposed by him, to the bill (S. 3000) to authorize appropriations during the fiscal year 1975 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 of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes.

AMENDMENT NO. 1391

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

Mr. MATHIAS (for himself and Mr. MONDALE) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 3000, supra.

AMENDMENT NO. 1392

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

Mr. MANSFIELD submitted an amendment, intended to be proposed by him, to Senate bill 3000, supra.

AMENDMENTS NOS. 1393 AND 1394

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

Mr. METZENBAUM (for himself, Mr. PROXMIRE, and Mr. COOK) submitted two amendments, intended to be proposed by them, jointly, to Senate bill 3000, supra.

## ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1326

At the request of Mr. RIBICOFF, the Senator from Illinois (Mr. STEVENSON), the Senator from Massachusetts (Mr. BROOKE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wisconsin (Mr. NELSON), the Senator from California (Mr. TUNNEY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Iowa (Mr. HUGHES), and the Senator from Utah (Mr. Moss) were added as cosponsors of Amendment No. 1326 to repeal the oil depletion allowance, intended to be offered to the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1972.

AMENDMENT NO. 1350

At the request of Mr. BAYH, the Senator from South Dakota (Mr. ABOUREZK), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of Amendment No. 1350, intended to be offered to H.R. 8217, supra.

AMENDMENT NO. 1363

At the request of Mr. BAYH, the Senator from Nevada (Mr. CANNON), the Senator from South Dakota (Mr. ABOUREZK), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of amendment No. 1363, intended to be proposed to H.R. 14832 to extend the temporary ceiling on the public debt.

AMENDMENT NO. 1380

At the request of Mr. MCINTYRE, the Senator from Michigan (Mr. HART), the Senator from Maine (Mr. MUSKIE), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), the Senator from Iowa (Mr. CLARK), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. HATHAWAY), and the Senator from Montana (Mr. MANSFIELD) were added as cosponsors of amendment No. 1380, intended to be proposed to the bill (S. 3000) the Defense Procurement Authorization Act.

## NEW BOOK ON PRIVACY AND SCHOOL RECORDS

Mr. BUCKLEY. Mr. President, the relationship of citizens and government in a free society has always been of deep concern to me. With the growth of computer technology and of our institutions,

one freedom that faces increasing jeopardy is the individual's right of privacy against the unwarranted intrusions of government, however well meaning they may be.

Therefore, I am pleased to note that a major step to help safeguard this right has been taken by a private organization, the National Committee for Citizens in Education, 410 Wilde Lake Village Green, Columbia, Md. 21044, through its publication of the book "Children, Parents, and School Records."

Attacks on the right of privacy are particularly pernicious when they involve the Nation's children. The records maintained by public schools have tended to become catch-alls of personal and often erroneous information, not just on children but on their parents. In the great majority of school districts, parents are denied the opportunity to review these records and to correct or challenge them when necessary. Worse, these same records tend to spring open to the casual requests or curiosities of numerous public agencies and private businesses.

At the Federal level, the major weapon we have to correct such local abuses is through the denial of funds; this I have attempted to do through amendments, which were accepted, to the elementary and secondary education bill, recently passed by the Senate.

But fundamental reform must spring from citizens themselves in their States and communities. With the publication of "Children, Parents, and School Records," citizens now have a significant new means of making these reforms a reality.

The 312-page book includes a comprehensive examination of laws, regulations and the opinions of attorneys general of the 50 States and the District of Columbia. Far more important, it includes a guide that for the first time informs citizens of their rights in any State, that tells them each step they must take to gain access to their own children's records and to safeguard them against the prying eyes of others. I recommend it to all those who are interested in restoring and preserving the rights of privacy in our society.

## NOTICE OF HEARINGS ON BILLS TO CODIFY, REVISE, AND REFORM THE FEDERAL CRIMINAL LAWS

Mr. McCLELLAN. Mr. President, I wish to announce for the information of the Members and the public that the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary will resume its hearings on S. 1 and S. 1400, bills to codify, revise, and reform the Federal criminal laws.

Hearings are scheduled for June 12, 13, 17, and 18, 1974, and will begin each day at 10 a.m., in room 2228, Dirksen Senate Office Building.

During this series of hearings we will be receiving testimony on provisions relating to offenses against the person, property, public order; provisions relating to public duty; corporate offenses; and general codification.

Additional information on the hearings is available from the staff in room 2204, Dirksen Senate Office Building, telephone 202–225–3281.

## NOTICE OF HEARING ON A NOMINATION

Mr. JACKSON. Mr. President, on May 30 I announced to the Members of the Senate and other interested parties that on June 7, 1974, the Committee on Interior and Insular Affairs will hold an open hearing on the nomination of Dr. John C. Sawhill to be Administrator of the Federal Energy Administration.

In that announcement, Mr. President, I neglected to mention that the members of the National Fuels and Energy Policy Study are also invited to attend this hearing, and I would like to take this opportunity to urge them to do so. These members were notified by mail on Tuesday, June 4.

The hearing will begin at 10 a.m. and will be held in room 3110 of the Dirksen Senate Office Building.

Persons wishing to testify or submit statements for the hearing record should so advise the staff of the Senate Interior Committee.

## ADDITIONAL STATEMENTS

### SENATOR MIKE MANSFIELD

Mr. PERCY. Mr. President, all of us in the Senate know what a decent and honest man Senator MIKE MANSFIELD is. His calm and steady leadership has set a challenging example for his fellow Senators on both sides of the aisle. He has a nobility of spirit and bearing that shall mark him as one of the greatest men ever to have been in the U.S. Senate.

Senator MANSFIELD never seeks or wants personal publicity, but I feel that widespread public awareness of his crucial role in the working of this body can only reflect well on those of us who serve with him. I was, therefore, heartened to read James Reston's May 15 column, "The Influence of Integrity," which captures well MIKE MANSFIELD'S quiet dignity and distinction of character. I ask unanimous consent that it be printed in the RECORD at this time.

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

THE INFLUENCE OF INTEGRITY

(By James Reston)

Sen. Mike Mansfield of Montana is a reminder that there are still a lot of steady, decent folk around here watching the store, Everybody in Washington is not crazy; it just seems that way.

Room S–208 in the Capitol Building, Mike's hideaway, is as plain and calm as a country lawyer's office. The door is always open. Inside, no fancy elegant people or heroic portraits of the majority leader. Some old amiable cartoons, and a big picture of Jack Kennedy throwing out the first pitch on opening day, with Mike in the background, as usual. An atmosphere of cheerful and relaxed efficiency, coffee perking on the shelf and cookies on the table.

Mike is sad but not pessimistic about the present mess in Washington. He thinks it is wrong to press President Nixon to resign, but he understands why the Republican leader in the Senate, Hugh Scott of Pennsylvania, condemned Nixon's private Watergate conversations, and why the House Republican leader John Rhodes suggests that resignation has to be considered. Mike tries to understand everybody's problems.

But pressuring the President to resign, he insists would be unfair, evading rather than resolving the moral and legal issues. Give the President not only the presumption of innocence, he says, but every opportunity to have his lawyers in the House and Senate to argue his case, to crossexamine witnesses, and to appear on the floor of the House and Senate, if he chooses, to defend himself personally.

Let the system work, says Mike. It is not only the President, but the Congress and the Constitution that are on trial. But—and here he is very tough—let it work all the way—not halfway.

Mansfield has a sense of pity about human folly and is very generous about the personal aspects of this tragedy—and he sees it not in partisan terms. He is beyond all personal ambition now, even beyond his own party's battles.

So there must be something right about a system that puts a decent man like Mansfield at the head of a party, and something consoling in the thought that people in the House and the Senate, worried about what to do in this crisis, come to Room S–208 to talk out their anxieties, and seek Mike's quiet counsel.

Mansfield, if I hear him right, is looking beyond the present turmoil here. He is afraid that the nation would be deeply divided for a long time if President Nixon were forced to resign by political or newspaper pressure.

He thinks the whole Watergate scandal could have been avoided if the President had been open and trusted the system, and had wondered about what was right or wrong and had said "yes" or "no" at the right time. But he is not worrying about the past now. The Constitution, the courts, the House and Senate must decide and nothing else.

Put it all to test, he says, and bring the people into it. He wants televised hearings in the House and Senate. He wants not merely the evidence the President wants to give, but the best evidence, including the tapes, and if necessary, he wants them played, when relevant, in the chambers of the Congress and on radio and television.

There are many arguments against this procedure, argued in this space before, but Mansfield thinks we've had enough secrecy, and enough deception.

This simple approach carries great weight here, for the importance of Mansfield is that his colleagues in both parties and in both houses believe in him. They watch him in S–208 and on the floor of the Senate, arguing for the thing he thinks is right, even if this means opposing his own party.

He may be right or wrong on this procedure, but he has the influence of integrity, and in the end, that may be what the controversy is all about.

## TRADE AGREEMENTS

Mr. KENNEDY. Mr. President, last Friday, President Nixon announced a major trade agreement between the United States and the European Community, ending nearly a year and a half of hard bargaining. This was the agreement by the Community to reduce certain tariffs, as compensation for the loss of U.S. exports to Europe in specific areas following the entry of Britain, Ireland, and Denmark into the Community last year.

Under the rules of the General Agreement on Tariffs and Trade (article XXIV: 6), customs unions must negotiate tariff compensation for supplier nations when individual national import

duties of member states are raised to a common external tariff. The European Community has now taken this step with regard to U.S. exports of tobacco, oranges and grapefruit, kraft paper, photographic film, nonagricultural tractors, excavating machinery, diesel and marine engines and outboard motors, engine additives, measuring instruments, pumps, plywood, and other items. The total value of the tariff concessions will be nearly $1 billion a year—a significant gain for American businessmen, farmers, and workers. At the same time, the United States has reserved its position with regard to the export of cereals. Clearly, Ambassador Eberle and his able staff have done an excellent job in promoting U.S. commercial interests.

However, this agreement represents far more than export sales, profits, and jobs. It is even more significant as an indicator of cooperation across the Atlantic. For nearly 18 months—indeed, right up to the 11th hour—these negotiations had been difficult, and sometimes even painful. They threatened to impede other negotiations and understandings between the United States and the Community. And they were often viewed as a source of division and discord, especially during a time of rapid change in political and economic relations.

The most important facts, therefore, are that the negotiations are over, and that an agreement has been reached at all. The discord and misunderstanding appear to have been put behind. And there is renewed hope for other negotiations, not only in the field of trade, but also in the whole panoply of Atlantic relations. Credit must go in particular to the European Community leaders who recognized that progress on this issue was important in order to preserve and promote the climate needed for adjusting and improving relations in other areas. The process has also shown that trade negotiations can succeed, even in these difficult times of understanding the shifting currents of trading patterns, and of coping with the impact of radical change in the worldwide trade of food and fuel.

It is, however, still too early to say that we in the United States have "turned the corner" on restoring good relations across the Atlantic. The next round of multilateral trade negotiations—even the passage of a trade bill by Congress—still lie ahead. So does effective reform of the world monetary system, and significant progress on energy cooperation, as promised—but so far not delivered—by the Washington Energy Conference in February. And the U.S. administration has yet to abandon its damaging ambivalence about supporting the European Community.

Yet there is now more reason for hope than there was a few months ago. By most accounts the Western allies have maintained a high level of cooperation at the talks on mutual and balanced force reductions—though these talks have yet to reach truly difficult areas. The issue of European funding of the balance-of-payments costs of U.S. troops stationed on the continent has been successfully resolved. And in recent weeks, there has also been a useful shift in European attitudes toward cooperation with the United States—a shift that can be sustained if we are sensitive to European needs, as well.

Thus, Mr. President, I welcome the agreement on the so-called "24–6" problem that has nagged at the negotiators—and thoughtful observers—for so many months. And I urge the administration to pay careful attention to the statesmanlike position adopted by the European Community in acceding to our demands. If we can now, at long last, revive our interest in—and attention for—Atlantic problems, then we can make great strides very quickly. For there is no magic in having good relations between our country and Europe: it is largely a matter of devoting the time and the effort to ties of friendship, without expecting these ties to substitute for the step-by-step resolution of those differences that inevitably arise.

For too long, this administration has ignored this simple lesson. Hopefully, with success on "24–6", it will begin again to see the opportunities—as well as the compelling needs—that exist in our relations with the nations of Western Europe.

## THE CRISIS OF THE CONTEMPORARY PRESIDENCY

Mr. MONDALE. Mr. President, this past Saturday I had the pleasure of addressing a regional convocation of the Center for the Study of Democratic Institutions in Los Angeles. The subject of my address was "The Crisis of the Contemporary Presidency."

I ask unanimous consent that the text of this address be printed in the RECORD.

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

THE CRISIS OF THE CONTEMPORARY PRESIDENCY

(By Senator WALTER F. MONDALE)

Almost 500 years ago, Machiavelli described the qualities which would make a ruler an effective and wise leader. Such a person, he wrote, would choose wise men to give him advice and would give these advisors a mandate to speak the truth to him.

He would behave so that each advisor sees that "the more freely he speaks, the more he will be acceptable."

But above all, he said, a ruler would be a great asker, and a patient hearer of the truth about those things of which he has inquired; indeed, if he finds that anyone has scruples in telling him the truth he should be angry."

Even for a Machiavelli, seeking out and valuing the truth was essential to produce wise leadership.

For the past month, millions of Americans have been reading the most astounding set of political documents ever to emanate from the Presidential office and wondering if the President sought the truth in dealing with Watergate or attempted to hide from its consequences.

They have been asking the hard questions about this President which have implications both for the immediate future, and for the Office of the Presidency for decades to come.

For we will have missed the lessons of the White House transcripts if we concentrate exclusively on the guilt or innocence of Richard Nixon. The essential message which these shocking documents reveal is the desperate need for effective checks and balances to make the office of the Presidency strong, yet open and legal.

The dangers we face are clear. The usurpation of power which the transcripts reveal violates the most passionately held principles of the framers of the Constitution. As the great novelist Herman Melville noted almost a hundred years ago:

"If there are any three things opposed to the genius of the American Constitution, they are these: irresponsibility in a judge, unlimited discretionary authority in an executive, and the union of an irresponsible judge and an unlimited executive in one person."

We now realize the dangers of that union. We now know that our liberty can be lost if we do not protect the constitutional balance which is vital to our democracy. Without changes in some of the most important institutions in our government, we may not see Presidents who view themselves, as President James Polk once stated, simply as "citizens who have been chosen by the people to manage the government for a limited time."

The importance of these institutional changes cannot be underestimated. They must deal with key problems causing the dangerous imbalance of power among the branches of our government: the increasing trend toward lack of accountability in the execution of our foreign policy; the failure of the Congress to assert its responsibilities in controlling the power of the purse and in oversight of the Executive branch; and the need for structural reforms in the legislative branch to restore Congress' ability to compete effectively in the public arena with a powerful Presidency.

First, in the area of foreign affairs, we have enacted a war powers statute which is designed to restrain any President from committing American manpower in wars which the people, through the Congress, have not sanctioned.

And we are working in the Congress to ensure that the Constitutional power of the Senate to confirm treaties entered into by the President is not circumvented by the use of executive agreements.

Second, Congress is beginning to make progress in securing more firmly our constitutionally mandated power over the purse. Both the Senate and the House have passed legislation to control unlimited impoundment of appropriated funds by any President, which over 30 courts have declared to be illegal.

And we must pay much closer attention to an often overlooked item in the massive Federal budget—the appropriation for the Executive Office of the President.

During the Nixon Presidency, a strategy of closed decisionmaking developed. Its principal thrust was to push key decisions into bodies such as the Office of Management and Budget and the National Security Council—bodies wholly within the White House, whose officers were not subject to confirmation by the Senate—in order to bring all major policy decisions into the White House and hide behind exaggerated concepts of executive privilege and national security.

Congress cooperated with this strategy by not resisting the creation of OMB and the Domestic Council, and by largely agreeing to requests for funds for these bodies. In fact, it was the accumulation of funds for a large White House staff which was the key to the success of this scheme.

Perhaps the most egregious example of this trend has been the Domestic Council, whose members are not confirmable by the Senate and whose loyalties are only to the President.

Under the leadership of John Ehrlichman, it constituted a private government, removed from any dialogue with or accountability to state or local officials, the Congress or the Cabinet officers.

To prevent this from continuing, we must reduce the Presidential staff budget, not to cripple a President's ability to make decisions, but to force more decisions into the Cabinet.

By reaffirming the importance of the Cabinet officers, who must withstand Congressional scrutiny, and who must constantly deal with state and local government officials and representatives of various interest groups, we can do much to help assure greater accountability and openness in decision-making.

Third, we need legislation to re-establish the oversight and investigatory responsibility of the legislative branch without which a runaway Executive Branch cannot be prevented.

In order to break through government secrecy, we must strengthen the Freedom of Information Act and attempt, through the courts and the legislative process, to attack the overly broad use of national security and executive privilege as a means to keep vital decisions away from public scrutiny.

We also desperately need legislation to curb the illegal use by any President of the most sensitive agencies of the government—the FBI, the CIA, the IRS, and the Department of Justice. These are vital parts of our government, which have generally performed well. But they are also instrumentalities of great potential danger to our constitutional liberties, and their power must be exercised responsibly.

And we should seriously consider institution of a televised question and report period, during which key Executive Branch officials would be requested to come to the Senate and answer important policy questions before the Senate and the nation.

Finally, there is need for structural reforms within the Congress. We need more staff, adequate computer technology and a greater capability to deal with the mass of information constantly developed by Executive Branch agencies.

And it is crucial that we end the virtual Presidential monopoly on the use of television and radio. This means providing legislatively for a right of reply by the Congress to Presidential use of the broadcast media, or, at the very least, a Congressional "instant analysis" of Presidential addresses.

It also means lengthening the license period of broadcast stations and the terms of FCC members. We have seen attempts by the White House to intimidate the media through use of the license renewal procedure, and we must insulate the media from this pressure, while at the same time attempting to ensure that this will not lead to unresponsiveness by broadcasters to community needs.

We have known for years that these types of reforms are important if we are to ensure the survival of our constitutional system of checks and balances. And yet perhaps only the Nixon Presidency and the horrors of Watergate have given us the determination to press quickly for their enactment.

Without these changes, it is unlikely that the trend toward an ever-increasing lack of accountability in the Presidency will be reversed.

Without these reforms, Congress will have difficulty limiting the Executive Branch to those powers rightfully conferred in it by our Constitution.

We now realize how difficult the maintenance of our constitutional balance has become as the power of the Presidency has grown.

And much of the excessive growth in the power of the Presidency has resulted from an expansion of Presidential power in foreign affairs beyond the point of retaining accountability to our other governmental institutions. As Arthur Schlesinger, Jr. has aptly noted, "The imperial Presidency was essentially the creation of foreign policy."

In fact, the constitutional framework did not envision the flight from accountability in the handling of foreign affairs which modern day Presidents have embraced. The Congress was given important power in sanctioning American involvement beyond our borders and in approving treaties entered into by our government.

In recent years, however, both of these Constitutional safeguards have lost much of their meaning. The treaty has largely been replaced by the executive agreement to avoid Senate ratification—as the means for implementing key foreign policy decisions. And the Constitutional restraints on the Presidential war-making power have been flaunted by Presidents of both political parties, leading to the loss of thousands of American lives in a war which the people, through the Congress, did not fully sanction.

But the implications of a Presidency removed from the restraints of shared power go beyond the arena of foreign policy itself.

For the Nixon Presidency and Watergate have clearly revealed the temptation to apply the imperial style of foreign policy to the domestic arena. They have shown the ability to use exaggerated concepts of national security and executive privilege to avoid Constitutionally mandated accountability in domestic affairs. And they have revealed the profound danger to our liberty which these trends present.

The style of foreign policy making has many advantages for a President seeking to avoid true accountability. The sweep and drama of diplomatic initiatives, the need for only limited consultation, the tendency to rally behind Presidents in international efforts during time of crisis, and the frequent absence of powerful domestic interest groups enable a President to maintain secrecy and avoid real power-sharing.

In his recent interview with columnist James J. Kilpatrick, President Nixon clearly indicated his conception without secrecy. "It is impossible . . . And it is particularly impossible when you are dealing not with your friends, but with your adversaries."

Certainly, any President has a legitimate need for secrecy in his most sensitive diplomatic ventures. Nor do we wish to deny any President the right to conduct an effective foreign policy.

But the danger of the Nixon Presidency, has been to borrow the style of secrecy, the use of national security, and the psychology of negotiating with the enemy from the foreign policy arena and use it in the area of domestic affairs.

Ironically, at the same time that the President stated he was conducting his foreign policy to establish dialogues and ease the tensions of the Cold War abroad, he was invoking the national security rationale of the Cold War at home to stifle dissent and undertake highly questionable activity domestically.

National security was used to eliminate any dialogue on issues and policy, and replace it with unquestioning obedience.

And just as the style of foreign policy has infected the Presidency with its arrogance, so have many of the techniques of foreign espionage been used to distort the domestic political process.

Some of those involved in Watergate came to it by way of the foreign intelligence community. Indeed, the CIA came perilously close to involvement in domestic subversion, and the rationale of national security became the overlay for illegal activity.

In short, the techniques of dealing with our worst enemies abroad became the means for subverting the law at home. This tendency continues today in the President's handling of the House impeachment inquiry, and in his dealings with the Special Prosecutor and the courts.

The American people do not want to be negotiated with; they want to be represented. They do not want to be dealt with as adversaries, but as an electorate to which any President is responsible.

There is no excuse for treating the House Judiciary Committee as if it were a Communist superpower. There is no justification for dealing with the Special Prosecutor's office as if it were a foreign enemy.

In the Nixon Presidency, the style of Presidential policy-making in the area of foreign affairs has, too often, become the style for dealing with the American people. This cannot be allowed to continue if we are to preserve a vigorous Constitutional system.

The American people have shown that they will not accept this style of governance. Neither the firing of Archibald Cox nor the limited and incomplete disclosure of Watergate-related transcripts was accepted by the American people. They expected and demanded more—more accountability to the Congress, and more respect for the constitutional balance of power.

The central lesson which the isolated Presidency of Richard Nixon should teach us is that we must open up the conduct of both foreign and domestic policy to public scrutiny, and never again allow secrecy and subversion to dominate any President's dealings with the American people.

As the late Stewart Alsop stated, the tactics of the 1972 Nixon campaign were the tactics, not of politics, but of war. If our democracy is to survive, we can never allow those tactics to be used again.

For the accountability on which our democracy rests can thrive only through an active, honest relationship and dialogue between the President, the Congress, and the people.

It needs the constant test of political reality—the clash of opinions in full view of the American public, which should mark effective political give-and-take in a democracy.

And this type of reality is only achieved through the interplay among strongly willed participants in the course of open and honest debate on vital issues.

Without reforms to increase accountability, the isolation of the Presidency—so effectively outlined by George Reedy—can only worsen.

This would be tragic for the maintenance of a healthy American democracy. It would increasingly turn the office of the Presidency into what Arthur Schlesinger, Jr., has termed the "plebiscitary President," in which the political checks and balances which the framers envisioned are bypassed in favor of a quadrennial popularity contest with no effective restraints on Presidential actions during his four-year term.

The danger is a real one. We have already seen it in operation in the Presidency of Richard Nixon. And I fear that it is becoming increasingly likely as a result of another important tendency of the modern-day Presidency—the personalization of the Presidential office and its removal from partisan restraints.

The Presidency of Richard Nixon has carried the separation of President from party to its ultimate conclusion. The 1972 campaign marked the victory of a President who chose to isolate himself from his party and run on his foreign policy record.

The rather bitter statement of former GOP chairman Bob Dole illustrates best what happened in the most recent Presidential election. When asked last year if the Republican Party has been involved in Watergate, Dole replied that not only was the party not involved in Watergate, but that in 1972 it was not involved in the nomination, the convention, the campaign, the election or the inauguration of Richard Nixon.

The split of party from President had been totally achieved. The dangers of such a split have now become obvious. A Presidency out of touch with party politics is a Presidency which feels no accountability to the men and women who are close to the reality of political life.

Such a Presidency owes no obligation to those in American politics who must of necessity stay involved with the problems and concerns of the American people.

Indeed, such a Presidency has cut one more link in maintaining the sense of perspective which is vital for the effective functioning of the Presidential office.

This has been the style of the Nixon Presidency. As John Gardner has noted, he has "created a curious and unprecedented one-way communication with the American people. He can reach us but we can't reach him. We can see him but he can't hear us. He is always with us but there is no dialogue."

And yet the actions of this President should not come as a surprise.

As David Halberstam has effectively shown in *The Best and the Brightest,* Presidents Kennedy and Johnson often went outside the party for their advice and their talent. Indeed they often tried to neutralize the party and make it ineffective, a weakened instrument incapable of challenging the Presidential will.

Understandably, there is a natural tendency of any President to dominate and even bypass the party and make it incapable of offering serious challenge to his policies.

Perhaps because of this, in part, there seemed to be no mechanism during the 1960s within the Democratic party short of an all-out challenge in party Presidential primaries to convey to the President the unhappiness of much of the party with his Vietnam policies. The struggles within the party for bringing bad news to the President—for informing him of the need for fundamental changes in his policy—were simply not present.

So it is with Richard Nixon.

When President Nixon summarily fired Archibald Cox, when he failed to comply with the subpoenas of the House Judiciary Committee, the dangers of a Presidency without party ties were clearly highlighted.

These were actions taken without consultation with party leaders; indeed, they seemed to defy the considered judgment of many within the Republican party. Had the President felt any obligation to his party, he might have followed a different course, and thereby avoided the ordeal in which we now seem irrevocably entangled.

Both the Johnson and the Nixon experiences highlight the crucial importance of establishing party structures independent of and insulated from incumbent Presidents. When a party is in power, that party must be able to debate and discuss issues and inform its President when there is widespread dissatisfaction with the policies being pursued.

And when a party is out of power, it must be able to keep alive a mechanism to provide coherent opposition to the President within a spirit of constructive dialogue.

Obviously, we do not want Presidents who are shackled by every whim and desire of their political party. But we urgently need Presidents who are responsive to party leadership and who are open to party views on the most important issues facing the nation.

Without this party accountability, Presidents will increasingly become less accountable to the people at large, and less amenable to criticism from within their own party.

Yet there are powerful forces working against the reassertion of real accountability to the party or the Congress. In an age of television communications, a President can and does go over the heads of his party and the Congress to discuss those issues on which he wishes to claim popular support.

There are clearly limits to what we can realistically expect to achieve through any structural reform. And while I believe that strengthening the party is absolutely imperative, I don't pretend to have all the answers to this extremely difficult problem.

But we must try. There are broad goals toward which we can work—many of which are now being discussed and debated by both the Democratic and Republican parties.

First, within the Congress, the role of the party caucuses can be strengthened, to provide a more coherent legislative voice on the many issues on which party consensus is possible.

Second, we need strong party staff capabilities—the development of an ongoing professional party staff which can serve through different administrations. This capability will aid in establishing a continuity of party administration which can serve as a stabilizing influence and an increasingly strong nucleus for establishing accountability to the party.

In this, as in other areas relating to the party, we should look carefully at those aspects of the Parliamentary system which can be creatively adapted to the American experience. There are those within the Democratic party who wish to move in this direction, and we should thoroughly explore the available options in this area.

Third, if we are to have this type of established party apparatus, we are going to have to pay for it. I therefore believe that we should consider a modest set-aside from the dollar check-off system to defray part of the cost of ongoing party operations.

The parties should not become totally dependent on Federal funds, but an infusion of Federal money would enable our parties to devote more time to the crucial tasks of encouraging party participation and discussing positions on issues, rather than the debilitating search for funds with which to operate.

Fourth, both parties should reaffirm the importance of the Presidential nominating conventions in the life of the party. Indeed, there should be a mutual understanding between a nominee and the party that with the Presidential nomination also go responsibilities to the party. And the party should use the opportunity of the nominating convention to attempt—to the extent possible—to provide strong direction to the Presidential nominee of the party.

For the same reasons, while retaining and reforming our system of state primaries, we should avoid institution of a single national nominating primary, which would only further separate President from party and lessen still more the accountability of the candidate to his party.

It is also clear that the 25th amendment has conferred an enormous additional power on the President—the power to name his own possible successor. We should therefore seriously consider requiring that in addition to Congressional ratification of a Vice-Presidential selection, the President's party be given an important role in the initial selection process—a procedure whose viability was demonstrated in 1972 in the selection of Sargent Shriver.

Finally, and most importantly, we must continue the efforts to increase participation in the party process at the grass-roots level. For no matter how effective the institutional reforms, increasing Presidential accountability to the party membership will be only as successful as the parties are in attracting that membership. And only by holding forth the prospect of meaningful participation will the parties develop greater citizen involvement.

We in the Democratic party are currently grappling with many of these issues. Most of them are controversial, but their discussion can be most helpful in reviving the role of the party as another important institution in government restraining the exercise of unaccountable power by a President.

Indeed, all of the efforts to reform our most important governmental institutions, to increase accountability of the Presidency to the Congress and the people, and to strengthen our party structures are directed toward one end: keeping the Presidency strong, while increasing its accountability to the people, and assuring its operation within the Constitution.

We need a strong Presidency to lead this nation. Yet national leadership can be effective only when there is mutual respect between the President, the Congress, the Courts, and the people.

Reforms can encourage this respect, and help restore the checks and balances of our Constitutional system. But the President of the United States will continue to be the most powerful elected leader in the world. And the character of the American Presidency will continue to depend above all on the American people and the kind of person they choose to elect to that office.

Jerry Voorhees and Helen Gahagan Douglas were not surprised by the Presidency of Richard Nixon, and we should not be either.

In 1932, Franklin Roosevelt stated that:

"The President is not merely an administrative office. That is the least part of it . . . It is preeminently a place of moral leadership. All our great Presidents were leaders of thought at times when certain historic ideas in the life of the nation had to be clarified."

We are in such a time now, and the Presidency must be directed at providing national leadership.

I believe, along with Harry Truman, that "there is far more good than evil in men and that it is the business of government to make the good prevail."

I am convinced that the Presidency must become the platform from which the central issues facing our nation are discussed. The problems of justice and inequality, of morality and honesty in government, of economic growth and the domination of large and impersonal institutions over American life must be confronted.

And most importantly, the role of the President as the voice for the powerless in our society must be reasserted with a new sense of commitment.

We now know that in an age of large and depersonalized institutions, powerlessness is not only the burden of the poor and the minorities. It is also the lot of working men and women who are angered and confused by the decline of moral values and the inability of government to respond to their needs.

These issues of race and poverty, of alienation in the midst of affluence, of disintegration of the concepts of political honesty and morality, are difficult ones to face, much less to solve. But unless our Presidents confront these issues squarely, there is little hope for making the Presidential office vital and for moving toward the solution to the domestic problems we face.

Our Presidents must be willing to risk their popularity in providing leadership on issues of crucial domestic importance, even though—or precisely because—they are open to public scrutiny and debate in their resolution.

And coupled with a commitment to seek responsible change must be an equally strong commitment to openness in the process by which that change is brought about.

George Washington vowed to keep open "the avenues to useful information from the many," lest he risk becoming "more dependent on that of the few."

It is precisely this concern for openness which must become the theme of the Presidency as we begin our third century of democracy.

In short, we need Presidents who can ask questions without being ashamed; who can develop solutions without being isolated; and who can provide leadership without being dictatorial.

The American people have seen the dangers of the politics of paranoia and vengeance. They have read the President telling John Dean in late 1972 that while he had not used the FBI or the Justice Department to harass political enemies thus far, things are going to change now."

They now appreciate in agonizing detail the peril of allowing government to be run with a siege mentality which views openness

and accountability as objects of fear, and which believes that its principal goal is the destruction of its political enemies.

The American people have clearly seen that the Presidency is far too important an office to be occupied by individuals who view vengeance, rather than compassion; retribution, rather than restoration; as their paths to political glory.

And most importantly, the American people now realize that we do not need messiahs who will not answer questions to lead our nation, but rather leaders to bring forth the qualities of compassion and justice which the American people have always possessed.

Benjamin V. Cohen, one of the principal architects of the New Deal, has said that "the most important quality and test of the Presidency is its ability to arouse and enlist the energies, the loyalties, and, if need be, the sacrifices of the people. The ultimate role of the President is to give inspiration and outlet to the tremendous forces for good at large in this great nation."

We need a strong Presidency to provide enlightened, compassionate leadership. But without openness and accountability to the law, this strength can lead to the ultimate destruction of the Presidential office.

For it is openness which ultimately creates strength for the office of the Presidency, and candor which breeds respect for the head of our government.

The American people have seen the Constitutional, political and moral issues which the Presidency of Richard Nixon has raised, and they are demanding a restoration of Constitutional principles in our Presidency.

In the end, this may be our greatest hope. For no institutional change can ever succeed unless the American people want and expect a balanced and thriving democracy.

As the great jurist Learned Hand noted thirty years ago:

"Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there, it needs no constitution, no law, no court to save it."

## LEGAL SERVICES

Mr. THURMOND. Mr. President. I recently received a copy of a letter to Mr. Howard Phillips from Mr. Welch Morrisette, president of the Richland County Bar Association, Columbia, S. C.

In this letter, Mr. Morrisette recounts the difficulties encountered by the Richland County Bar Association as sponsor of the Columbia Legal Service Agency.

Mr. President, the Richland County Bar Association is the largest local bar association in the State of South Carolina, and its members include some of the ablest attorneys in this country. Their opinion on the subject of Legal Services should be given very careful attention. Accordingly, I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

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

RICHLAND COUNTY BAR ASSOCIATION,
*Columbia, S. C., May 30, 1974.*

Mr. HOWARD PHILLIPS,
*Public Monitor,*
*Capitol Hill, Washington, D.C.*

DEAR MR. PHILLIPS: I have your letter dated May 23, 1974, enclosing excerpts from the CONGRESSIONAL RECORD of May 20, 1974. These excerpts contain an analysis of portions of the proposed statute creating the Legal Services Corporation which has been passed by the House of Representatives and the plan reported out by a Conference Committee. The House Plan seems much more desirable.

The Richland County Bar Association is the largest bar association in the State of South Carolina and has been the sponsor for the Legal Aid Agency here. For years the Bar Association has been unable to control the direction, the philosophy, the policies or the conduct of the staff at the Legal Service Agency we sponsor. The lawyers who have been employed for the most part have been activists, who were more interested in promoting social changes than in providing legal representation to poor people. The director has absolutely defied us in employment practices and in the management of the Agency. We, as members of the Bar Association, feel the need for representation for poor people. We feel, however, that the Legal Aid Service Agency should be run as a law office and not as a missionary station.

Five of the six members of the Richland County Bar Association who have served on the Board of Directors of the Legal Aid Service Agency have resigned because of the ineffectiveness of their efforts and their complete frustration and their disagreement with the management. This has caused the Executive Committee of our Bar Association to direct me to inform the Regional Office of the Office of Economic Opportunity in Atlanta that we do not intend to fill those vacancies unless a director responsible to us was appointed. The by-laws of the local agency provide that the director be appointed by the Board on recommendation of the Executive Committee of the County Bar Association. The Government has informed us that the local director will resign if we will continue to sponsor the agency, but we cannot appoint or designate the director and any bylaws which provide for such would be ineffective. We have also been told that even if the Bar Association withdraws its support, the Government will find another sponsoring group and continue the operation.

Our dilemma is this. We can withdraw our sponsorship and have the agency totally managed by people who want to change the law rather than provide protection within it or we can continue to lend dignity to the agency by sponsorship without effective control. My opinion is that our Bar Association is going to withdraw its support and direct me as President not to fill the vacancies existing on the Board.

I am sending a copy of this letter to our two United States Senators and to our six Congressmen. If any further hearings are held, this Bar Association will send an informed representative to present our views and our experiences here. I have not studied in detail the bill as recommended by the Joint Conference Committee, but it looks like Congress is going to create a new agency to harass taxpayers and property owners more than to establish law offices to represent poor people who indeed need representation.

Sincerely,
N. WELCH MORRISETTE, Jr.

## NEW SENATE OFFICE BUILDING EXTENSION

Mr. BAKER. Mr. President, today I chaired a Public Works Committee hearing to consider the design of the extension to the Dirksen Senate Office Building. Members of the Public Works Committee and the Senate Office Building Commission heard architects, architectural critics and a representative of Capitol Hill residents discuss the building and its setting. The hearing was valuable and the testimony reassuring in that there appears to be general agreement that the overall design is commendable.

As part of the presentation by the Architect of the Capitol, scale models of the proposal and numerous sketches and diagrams were displayed around the Public Works Committee hearing room. These representations were both helpful and interesting and will remain on display through the end of next week. After that time they will be available in the office of the Architect of the Capitol, Mr. George M. White, who will be glad to review the plans with any Members.

Fifty senatorial offices will be housed in the new building, so a significant portion of the Members of this body will have intimate contact with the extension.

I urge every Senator to stop by the hearing room, room 4200, to assess the design for himself.

## THE SAM–D, 1 YEAR LATER

Mr. BAYH. Mr. President, 1 year ago I proposed an amendment to the fiscal year 1974 Department of Defense authorization bill to terminate continued research and development on the Army's SAM–D missile program. I did so because I was convinced that its excessive cost, its technical uncertainties, and its lack of clearly justified mission all combined to render it a grossly ineffective expenditure of our defense resources. The Senate did not agree with my arguments, and my amendment was defeated by a vote of 34 to 56.

I would like to review for the Senate what has happened to this program during the past year. I might note at the outset that the extraordinary cost increases which we had seen previously in this program continued unabated over the past year. The program cost grew by over $400 million, from a total of $4.48 billion when I offered my amendment last year, to a total cost estimated at $4.899 billion in December, 1973. This raised the ocst of one fire section of the SAM–D from $28 million, to $31.4 million, almost 4 times the original estimates.

Despite these huge cost overruns, perhaps the most important new factor affecting the SAM–D since last year's vote lies in the experience we gained as a result of the October, 1973 war in the Middle East. As far as air defense is concerned, both Syria and Egypt demonstrated a highly effective air defense capability using the variety of weapons provided by their Soviet suppliers. They succeeded in taking a quite considerable toll of Israeli aircraft. But Israel eventually achieved dominant air superiority because the Arab MIG's were simply no match for the more advanced and better piloted Israeli planes and because the Israelis used fairly effective electronic countermeasures provided them by the United States.

The initial success of the Arabs' ground-based air defense systems can be traced directly to the great diversity and quantity of the weapons they possessed and their high degree of mobility. Included in their arsenal was a 23-millimeter, radar-controlled, quad-mounted cannon, and the SA–2, the SA–3, the

SA–6, and the SA–7 surface-to-air SAM systems. Both the Egyptians and the Syrians had quantities of each of these weapons numbering in the hundreds, and even thousands. The crucial advantage that the Arab air defense forces did enjoy in the earlier stages of the conflict was in quantity, and not technological sophistication.

The lesson we should learn is that in allocating the finite amount of money we have to spend on air defense, we should tailor our priority choices toward producing relatively low cost, forward area and highly mobile air defense weapons in numbers which are large enough to provide adquate protection for our forces. This is precisely the opposite of where we are heading with the SAM–D for which each fire section is so expensive that we will not be able to afford enough fire sections to provide the coverage needed.

Another significant event to directly affect the SAM–D program in the last 12 months at least in part grew out of our Middle East experience. Secretary Schlesinger very quickly recognized that what we had seen in the Middle East should cause us to hesitate and to examine carefully the assumptions on which our long-range planning for modernization of our air defense forces are based. Accordingly, on January 10, 1974 the Secretary directed that a major change be made in the R. & D. schedule of the SAM–D in order to substantially lessen the concurrency of the program. Second, the Secretary further delayed any decision on SAM–D production or deployment. As a result the fiscal year 1975 budget request for the SAM–D program was reduced from $166 million to $111 million, with similar reductions planned for fiscal year 1976.

As I said to Secretary Schlesinger at the time and as I repeat now, his action in this regard was not only prudent and timely, but perhaps more importantly, it showed his willingness to devote his personal attention to the detailed and highly-conflicting arguments that surround any controversial weapons program of this sort and to make the tough decisions required. Secretary Schlesinger's actions last January essentially had the effect of placing the SAM–D in a "holding pattern." More of its unproven technology would be tested before any production or deployment decisions were made, but significant funds would continue to be spent to keep the SAM–D option open, with $58 million to be spent this year for engineering development of the first tactical components.

As of January, the decision to delay the program while more tests were conducted, while leaving the option to go ahead on SAM–D still open, was the proper one. It provided the time necessary to re-examine the SAM–D in the light of changed conditions. This brings me to still another event of importance to the SAM–D which has occurred since it was last subject to debate in this chamber, an event which I believe provides the basis for an intelligent and well-thought out decision by the Congress to terminate the program.

In the months following Senate action on this bill last year, I discussed the SAM–D program on several occasions with Secretary Schlesinger and the General Counsel of the Department of Defense, Martin Hoffman. I also had discussions with the distinguished Senator from New Hampshire, (Mr. McINTYRE) and the distinguished Senator from Arkansas, (Mr. McCLELLAN). There was general agreement among this group that it was important that a new cost-effectiveness analysis be conducted on the SAM–D and that the Congress, and through it, the General Accounting Office, be consulted as to its outlines. Accordingly, at my request, the Senate Appropriations Committee in its full report on the fiscal year 1974 defense appropriations, directed that such a study be conducted, to be completed by March 31, 1974. Responsibility for conducting this study was then assigned by the Secretary to the Assistant Secretary for Program Analysis and Evaluation, Leonard Sullivan, Jr. Secretary Sullivan in turn divided the study into two parts.

A so-called "court grain" analysis to address the following question: "What is the preferred mix of aid defense components to meet the mid 1980's threat, based on cost and operational effectiveness considerations?" Second, a "fine grain" analysis to answer the question: "Given the need for a medium to high altitude air defense system, what is the preferred component among SAM–D, Improved Hawk, and their variants, based on cost and operational effectiveness considerations?" Responsibility for the "fine grain" analysis was then assigned to the Army, while Secretary Sullivan's own staff conducted the "coarse grain" study.

A large amount of manpower was put into producing these studies which were completed in what must be close to record time. When they were delivered to the Congress on April 15, 1974, the package was 6 inches thick. The results were disappointing in one major sense—not because the studies were inadequate, for if one delved into the hundreds of pages the answers were clearly there. Rather it was disappointing because the Defense Department officials who were charged with the responsibility of summarizing the results of the study for the Congress succumbed to the understandable, but nevertheless deplorable temptation to try to please all interested parties. These summaries simply reiterated Secretary Schlesinger's January decision to put the SAM–D in a holding pattern while more testing was done, rather than acknowledging that the backup studies which lay behind these summaries provided unmistakable evidence that the SAM–D and its variants could not be cost justified, even assuming completely successful tests of the technology.

Fortunately in this case, the General Accounting Office was performing the function for which it was designed and was, at the request of myself and Senator McINTYRE, monitoring the Defense Department's progress on the new study. They were not so reluctant to draw the appropriate conclusions from the cost analysis. In a letter to Secretary Sullivan from the Director of the Procurement and Systems Acquisition Division of GAO, Mr. R. W. Gutmann, after citing several specifics, he concluded with the following two paragraphs:

Cost-effectiveness of the SAM–D or its variants apparently cannot be proven based on realistic assumptions (many of them treated in the study's excursion charts. It would appear that even if the SAM–D technology works and even if the threat materializes the SAM–D (with currently envisioned cost and effectiveness) will probably not be necessary if F–15s are available.

The January 10, redirection (of the program) recommended by the Deputy Secretary of Defense points to capability and cost decisions not predictable at this time. When some confident answers are provided, the time may arrive when the air defense environment is clearer and ground-based defense needs can be better visualized. Due consideration can then be given to defining a HIMAD.

This, then, Mr. President is, in brief, the history of the SAM–D program over the past year—the experience of a modern ground war, a prudent action by the Secretary of Defense, and a new examination of the cost effectiveness of SAM–D. These events when taken together provide a stronger and more well thought-out case against putting our limited resources into the SAM–D program than was the case last year. After considering the matter, however, I have decided to withhold offering an amendment on the pending bill for two reasons. First, on June 6 the Secretary will convene the first high-level review panel on the SAM–D to be held this year. After discussing this matter with the Secretary, I am hopeful that much of the information developed in the cost-effectiveness study will be implemented in the DSARC decision. Second, since the cost-effectiveness study which I believe forms the basis for termination of the SAM–D program was conducted at the request of the Appropriations Committee, I believe it would be appropriate for its conclusions to be discussed by that Committee before being presented to the Senate.

I would like to conclude, Mr. President, by voicing my appreciation for the cooperation provided to me and my staff over the past year in our work on this system by the distinguished Senator from New Hampshire (Mr. McINTYRE) and his counsel, Mr. Fine, and the distinguished Senator from Arkansas (Mr. McCLELLAN) and his counsel, Mr. Tom Gunn, as well as the continuing responsiveness of the Secretary of Defense.

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## SOVIET ATTITUDES WITH REGARD TO JEWISH EMIGRATION

Mr. HUGH SCOTT. Mr. President, in my report of April 29 to the Senate on my recent trip to the U.S.S.R. and my private 2-hour talk with Secretary General Brezhnev on April 26, I made mention of the present Soviet attitudes with regard to Jewish emigration. I furnished the Senate an abbreviated paraphrase of that discussion both orally and in my longer, written report of the Dartmouth Conference dated May 21, 1974.

During the visit of the Soviet parliamentarian group from May 20–23, sev-

eral Senators joined me in further lively pursuit of the question of Soviet emigration policies. At a final luncheon, which I cohosted with the distinguished majority leader, we asked the Soviet parliamentary delegation to give us a summary of their thoughts on the subject, in reply to these inquiries. They have prepared a report with figures and definitive statements which the Soviet parliamentarians submit as the current status of emigration for Soviet Jews.

I ask unanimous consent that their report to us as their hosts be printed in the RECORD.

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

SOVIET JEWS, THEIR STATUS AND EMIGRATION

(Summary of the views presented by the members of the Soviet parliamentary delegation during their discussions with the members of Congress)

The Soviet parliamentarians consistently pointed out that there is no discrimination of Jewish population in the Soviet Union at all.

As of January 1970 there were 2,151,000 Jews in the USSR. For overwhelming majority of Soviet Jews there is no such a problem as the search for motherland. The Jews are taking part in building communism as well as other citizens of our country and cannot imagine their future apart from socialism. Hundreds of thousands of Soviet Jews are members of the Communist Party of the Soviet Union. 90% of young men and women of Jewish nationality at the age of 14 to 28 are members of the Young Communist League.

There is no discrimination of the Jews in the Soviet Union either in the field of education, in getting a profession, in state governing bodies, in promotion to higher position, or in exercising the right to free worship. It can be proved by the following figures. 35% of entire Jewish population of the country have higher and secondary specialized education. Per thousand of those of Jewish nationality there are six times more persons with a higher education than among Russians, eight times more than among Ukrainians and many times more than among other nationalities.

The Jews constitute 4.5% of the entire scientific personnel with higher education engaged in national economy, more than 6% of the total number of scientists including 8.2% of all candidates of science and 14% of all doctors of science. Jews constitute 3.4% of medical profession, 5.2% in the field of arts and 6.9% of those who are engaged in literature and mass media. For all that it must be taken into consideration that Jews account for only 0.9% of the USSR population.

For their contribution to the development of various fields of science, culture, art and literature a great number of persons of Jewish nationality have been conferred highest honorary titles and awards of the Soviet Union. For instance 121 Jews are Lenin Prize winners (that is about 11% of the total number of prize-winners), 1463 Jews are State Prize winners (about 13%). Nearly 340 thousand of Jews have been awarded Soviet orders and medals.

Newspaper "Birobidjaner Stern", magazine' "Sovetisch Heimland" are published in Yiddish in the USSR. Books by Jewish authors are printed in large editions in this country. The anthology of modern Jewish prose published not so long ago was highly appraised not only in our country but abroad as well. Besides, the books by those authors, who write in Yiddish are translated and published in the numerous languages of the peoples of the USSR, including Russian. For example in recent years the total circulation of such publications exceeded 40 million copies.

To meet the needs of the believers there are nearly one hundred synagogues in the USSR. The Moscow Central Synagogue has a theological school (the Yeshiva) training rabbis, shohets, etc. The Jewish religious calendar is published by the Moscow Central Synagogue every year, prayer books are published periodically. Synagogues have their own poultry slaughter pens, kosher meat shops, matzoh bakeries.

There has never been any mass desire to leave the USSR for Israel and there is no such desire nowadays. Altogether during the post-war period (from 1945 till April 1974) 98.2 thousand people left the USSR for Israel In 1973 33.5 thousand persons left the country and 7.5 thousand—during the first four months of 1974. As of May 1 there were 1,964 applications to leave under consideration of Soviet authorities. At the same time recently a substantial decline of such applications can be noted. If before the October war last year the number of applications averaged 2.5 thousand every month, now the number of applications has fallen down more than two times (1.372—in January, 1974, 1.555—in Feburary, 1.917—in March, 1.407—in April).

It is necessary to note, that taking into account the interests of state security of the USSR, Soviet authorities restrict certain categories of those who want to emigrate to Israel. These restrictions are applied to persons who have special military training, or work in defense industry or to those engaged in activities, connected with the state interests.

Soviet authorities also take into account the consent of other members of a family who have the right for care and financial support of those, who want to leave the USSR. All actions of the Soviet authorities in this area are in full accordance with the Soviet legislation and international law, in particular with the provisions of the International pact on human and political rights. But the number of applications from persons to whom existing in the USSR limitations are applied is quite small and it is proved by the fact that more than 95% of those who apply to leave for Israel get the permission.

It is worth noting that more often the people of Jewish nationality who asked the permission to leave for Israel and who received such permissions, now don't want to use them. For example in 1973 1.112 persons didn't use the permission given to them and 402 persons officially refused to leave at all. Hundreds of former Soviet citizens who left at one time for Israel are applying to Soviet authorities for permission to come back to the USSR. Only in 1973 there were more than a thousand of such applications. Taking into account the concrete circumstances Soviet appropriate authorities give such permission in some cases. In particular in 1972–1974 permissions to return to the Soviet Union were given to some persons who fled from Israel and who after that had to stay in Vienna for a long time.

The members of the Soviet parliamentary delegation emphasized that all those who wish to emigrate from the Soviet Union have already got and are still getting such an opportunity with the few exceptions mentioned above.

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## WHO WANTS THE CPA?

Mr. FANNIN. Mr. President, I am concerned about the logic behind our considering the Consumer Protection Agency as proposed in S. 707. Who is it that is asking for another sprawling bureaucracy?

In making decisions as elected representatives, we are all supposed to take the lead from the people of our States. I do not get much mail from home saying there is a need for such an agency. My constituents do not write and ask me to create another board, bureau, commission—much less an agency to oversee the actions of other agencies.

But they do write to complain about the high cost of Government and to object to the loss of freedom, extra work and expense caused by the Government agencies. The people of my State are tired of expensive, handholding Government bureaucracies, and they rightly do not understand why the Members of Congress seem to think they need them.

Allow me to quote from an interview of HEW Secretary Caspar W. Weinberger as it appeared in Barron's magazine:

There is a curious belief growing up that consumers are some group apart and that there are some specially anointed people who are the only ones who can speak for them. Neither you nor I can speak for consumers, they feel, unless we belong to the required organizations . . . well, I don't believe it. We are all consumers. We are all equally important because we all have an equal interest.

Consumers are mistakenly viewed—and so treated in the pending legislation—as a homogeneous group of individuals all with the same motivations, desires, needs, et cetera. Starting from such an erroneous assumption is bound to lead to erroneous conclusions. The interest of consumers is identical to the public interest, for the general public and the consumers are all one and the same. And unless I am mistaken the regulatory agencies we have set up over the past 70 years were designed to protect the public interest.

In a democracy, consumer needs and desires come to bear upon government through the elective process. It is therefore, the responsibility of the Congress to translate the divergent needs and desires of the people—consumers—into consensus programs and courses of action.

If executive agencies fail to follow the intent of Congress, the responsibility then comes back to the legislative body to clarify or make its instruction specific. To propose a Consumer Protection Agency is an admission that the executive agencies have failed to follow the intent of Congress and rather than meeting our responsibility we are pushing it off to another level of government. Why should the Congress seek to abrogate its responsibility to the electorate in the area of consumer affairs through legislative flat, such as that contained in the proposed bill? Surely the transfer of power to the executive branch, due to congressional default, has reached dangerous proportions already. The tide needs to be turned in the opposite direction.

Mr. President, this is good, logical thinking on Secretary Weinberger's part. The tide needs to be—it must be—turned in the opposite direction.

I do not understand why some of my colleagues seem to think that the Members of the House of Representatives and the Senate are incapable of representing the consumer. We have better and more regular contact with consumers than nonelected bureaucrats. We have adequate input into Federal agencies which were established to "protect the consumer" and have the power to pull them into line if it is determined that they are not doing an adequate job. We have no business pushing this "robbing Peter

to pay Paul" agency onto the American public.

Why do we need this muddying of the waters? In these times, why are we even considering further alienating our constituents toward government with a deceptively named agency to oversee other agencies? The people from my State are not stupid, Mr. President. They will want to know why the current Federal agencies require another Federal agency. Do I tell them that their elected representatives cannot do their jobs, that we do not have the oversight powers to make certain the current agencies are doing their jobs?

S. 707 is defective from the start. It is based on the assumption that a single agency can act as an advocate for "consumers" as a class. As Secretary Weinberger pointed out, the fact is that there are as many consumers as there are citizens, and their interests are as diverse as one can imagine. It is folly to think that any one Federal agency could possibly represent them all.

Since it is impossible to represent the diverse interests of all consumers, it will inevitably develop that the CPA will represent some consumers while other consumers will be left unrepresented. By establishing a mechanism for the determination of the consumer interest, the CPA will provide a perfect outlet, and a multimillion dollar yearly budget, for the lobbying activities groups, such as those promoted by Ralph Nader, which speak in the behalf of special interests. Consumers whose interests differ from those of the dominant consumer lobby of the moment will be left unrepresented, and their tax dollars will be spent to support the opposing position.

The cost of such a new agency—which, of course, must be borne by the "protected consumer"—is not something that can be overlooked either. Big Government spending is rightly said to be a key reason for inflation, and people know that the Government is responsible in other ways for the increased prices of goods and services, too.

Part of the added costs reflected in higher prices is the man-hour costs imposed on business to fill out Federal forms. In recent years, the increase in the paperwork requirements has been staggering. We have created the Cost of Living Council, Price Commission, Pay Board, Occupational Safety and Health Administration, Environmental Protection Agency, Consumer Product Safety Commission, the Federal Energy Office, and on ad nauseam with prices increasing to pay for their reporting requirements.

In 1973 alone, new Federal report forms numbered over 2,500. The Office of Management and Budget estimated that these forms would require over 72 million man-hours for business to answer. And this figure does not even include the time required to complete the forms previously required of business in the name of "consumer protection."

The costs of responding to all of these forms do not disappear. They are passed on, eventually, to the consumer. It would seem to me that those who are truly interested in helping the consumer would be doing something to reduce the Federal paperwork burden and thus prices rather than trying to push through unheeded legislation that will add fuel to the fires of inflation. The taxpayer, disguised in this bill as the consumer, will have to pay and it will not take him long to figure out that he has been conned out of his money once again by the Federal Government.

The question is, What will the consumer get from the Consumer Protection Agency? Will it with its apple pie and motherhood name do anything toward solving the day-to-day consumer problems: the overcharges for unneeded automotive repairs; the prepaid merchandise that never arrives; the dishonest used car salesman; the unhonored guarantee? No, it will not.

The consumer agency as it is now proposed will have no immediate impact on any of these day-to-day consumer problems. Rather it will be involved in very complex and lengthy Federal administrative proceedings and court appeals involving such things as antitrust cases, rate settings, drug approvals and a plethora of other complicated matters which may take months or even years to resolve.

Mr. President, I believe that passage of S. 707 would be a grave injustice to the intelligence of the Federal agencies, the American businessman, our constituents and ourselves—all of us are consumers who want something worthwhile for our time and money. In the jargon of the day, the CPA would be a gigantic "ripoff."

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## GERMAN MARSHALL FUND OF THE UNITED STATES: A MEMORIAL TO THE MARSHALL PLAN

Mr. HUMPHREY. Mr. President, on June 5, 1972, the 25th anniversary of the Marshall plan, the Federal Republic of Germany honored the occasion with an act of extraordinary generosity. On behalf of all four political parties and with the unanimous consent of the Parliament, former Chancellor Willy Brandt announced a gift "in expression of special gratitude for the American decision in 1947" which made possible the formation of the German Marshall Fund of the United States: A Memorial to the Marshall Plan. The fund is a U.S. private foundation located in Washington. It is dedicated primarily to improving international understanding and resolution of "the common problems of industrial societies."

The Federal Republic undertook to support the fund by providing 150 million deutschmarks—about $60 million at current exchange rates—in 15 annual installments of 10 million marks, starting in June of 1972. Arrangements with the American board of trustees stipulate that "the German Marshall Fund will administer its proceeds without any influence by German authorities."

The terms of the gift are broad and magnanimous. They authorize support for many kinds of activities relating to the common problems of industrial societies everywhere and without special preference for United States-German projects.

A fine board of trustees, listed below, was formed under the chairmanship of Dean Harvey Brooks of the division of engineering and applied physics at Harvard University and president of the American Academy of Arts and Sciences. In March of last year, Benjamin H. Read, former first director of the Woodrow Wilson International Center for Scholars, 1969–73, and Executive Secretary of the State Department, 1963–69, was chosen as fund president.

The statements of initial programs and summaries of projects of the fund, which began operations in January of 1974, are described in the material I am placing in the CONGRESSIONAL RECORD at this time. They indicate a most promising start for an organization whose charter and antecedents afford it unique opportunities to accomplish much needed international services.

Mr. President, I ask unanimous consent to have the material printed in the RECORD.

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

THE GERMAN MARSHALL FUND OF THE UNITED STATES: A MEMORIAL TO THE MARSHALL PLAN PURPOSES, PROGRAMS, RESOURCES AND GUIDELINES PROJECTS

*(The central purpose of the German Marshall Fund of the United States is to contribute to the better understanding and resolution of significant, contemporary or emerging common problems of industrial societies—internally and in their relations with each other and with developing societies—by facilitating and supporting sustained working relationships, studies, cooperation and contacts by and between persons with shared interests and responsibilities in the United States, Europe and elsewhere.)*

### I. PURPOSES

The basic theme of the German Marshall Fund was chosen to commemorate the essential achievement of the Marshall Plan for which it is best remembered a quarter century later: unprecedented international cooperation in meeting the most pressing needs of the time. Thus, the statement of policy adopted by the Board of Trustees declares:

In planning programs for the 1970's and 1980's, of course, the Fund faced substantially different needs and opportunities than existed in the early post-war period.

In post-war Europe, economic reconstruction and growth were prerequisites for other political, social and security objectives. Massive Marshall Plan resources and technology supporting multiple European initiatives helped recovery through sustained cooperation between Europe and America. Economic dependence on the United States was supplanted long ago by relationships of equality and by competition in trade, production and technology.

Complex issues have come to the fore. Record economic growth and technological advancement have produced uneven progress. Unempolyment and poverty remain in even the most affluent societies. The gap in material conditions between industrialized and developing areas has widened inexorably. Worldwide growth and concentrations of population have aggravated both material and social problems. It has become increasingly difficult for either markets or governments to deal adequately with such interrelated issues as land use, resource shortages, transportation, housing, education, urban services, environment, crime and the administration of justice, and associated social strains and inequities.

Many of these problems are increasingly similar from one society to another as are

their consequences and remedies. But public and private institutions and individuals in different countries know little about the experiences of others and seldom share the quest for common solutions.

Within the limits of its resources, the German Marshall Fund of the United States will foster various cooperative efforts to address common problems. U.S. and European issues or persons will figure in all work sponsored by the Fund. Appropriate East European as well as West European participation will be welcome. Moreover, the participation of persons in other societies with shared or common problems will * * *.

II. PROGRAMS

*Common problems*

To fulfill the commitment to give highest priority to work on "the common problems of industrial societies," the trustees have decided that programs in this area will claim a majority of the resources and efforts of the foundation.

Two considerations explain the Board's decision: first, the increasing similarities and interrelationships of certain problems of industrial and other societies; and second, the apparent inadequacies of existing mechanisms to foster systematic, comparative and joint efforts to resolve common problems.

Industrial societies have much to learn from each other. Particularly in the realm of problems normally considered "domestic," the experience of other societies is often little known. Existing literature and media of communication seldom record the successes and failures of other societies. The Fund will try to promote the better understanding and resolution of such problems by supporting comparative analysis, the dissemination of practical information, the transfer of leadership capabilities, and working contacts between individuals with similar responsibilities in different societies.

Other common problems can be addressed only through the coordinated actions by two or more states. Chancellor Brandt has aptly described the increasing interdependence of industrial states as "a moral, a cultural, an economic, and a political reality." More and more state actions have major impacts beyond their borders. National decisions about scarce resources, trade, taxes, environmental standards, monetary and fiscal matters, tourism, capital and labor flows, often produce immediate consequences in other countries and regions. Many of these interrelationships are only beginning to be understood. All too frequently such problems are ignored or addressed only casually, occasionally or unilaterally without adequate attention to the mutual and conflict interests of other societies.

Cooperation in resolving both kinds of common problems requires support for new forms of institutional and personal relations. Much is accomplished through the existing intergovernmental, governmental and private machinery of international affairs. But most official machinery is designed to deal only with short range national goals. Even the most excellent private organizations have considerable difficulties in gaining the cooperations of competing or potentially competitive organizations. Many private contacts are limited to specific professions or occupations. Academic and professional systems often penalize individual efforts beyond the province of a single discipline. Yet, many basic problems will yield, if at all, only to coordinated efforts by groups embracing diverse national perspectives and multiple professions and disciplines.

The direct sponsorship or cosponsorship of persons forming *ad hoc* international and interdisciplinary task forces, projects and workshops will be a major part of the Fund's common problems programs.

Diverse "common problems" will be designated for priority attention from time to time by the Board, and the search for new approaches to foster international cooperation in the resolution of such problems will continue throughout the life of the Fund.

*International relations*

The German Marshall Fund will also provide modest support for work on problems of international relations that pertain to the common interests of American, European, and other societies.

Here the initial emphasis will be on facilitating closer relationships among highly qualified international affairs institutions, practitioners, and experts; on giving such persons new international perspectives; and on extending traditional research on diplomatic, military, and security affairs to include economic and social analysis of the impact of certain common problems on international relations.

*European/American comparative studies*

The need for new forms of cooperation between Americans and Europeans on problems confronting their societies is strikingly evident in teaching and research. In the United States, the study of Europe in the social sciences and humanities has experienced a long-term decline since World War II. Traditional courses on European subjects have attracted less interest and support. Research on Europe has been limited and seldom dealt with cooperative international approaches to common problems. In Europe, despite some resurgence of interest in American history and literature, curricula and research incorporating contemporary United States experiences are strikingly rare.

The trustees have decided to use limited Fund resources to encourage selected European and American comparative studies of industrial societies. Emphasis will be placed on post-graduate and graduate training and research. The Fund will stress projects involving sustained contacts between European and American scholars and relating to other Fund-sponsored activities on the common problems of industrial societies. Whenever feasible, existing programs will be used for initial screening of projects and applications. Support will be concentrated on persons or groups whose teaching or research will have widest potential importance for others.

III. RESOURCES AND GUIDELINES

To give the then trustees of the German Marshall Fund a meaningful choice as to whether to continue operations beyond the assured 15-year period of support, the Fund will build up its operations over a two or three year period. Subject to annual Board of Trustees review, the Fund's budget authorizes obligations of 30% of the second ten million DM installment during the installment year (June 1, 1973–May 31, 1974); 50% of the 1974–75 installment; 75% of the 1975–76 installment; and 100% of all subsequent installments, with investment of set aside and unexpended sums, looking towards a residual fund in mid–1988 of $10–25 million.

The Board has adopted several budget and operation guidelines based on the resource and program objectives described above.

The Fund intends to explore, or to have potential grantees explore, the cosponsorship of proposed projects, studies, and other activities with other foundations and institutions in the U.S. and elsewhere. It will search for appropriate ways to use Fund resources to stimulate the use of other public and private resources for similar purposes. It will give special consideration to activities that serve the foundation's objectives and have a reasonable chance of becoming self-supporting or attracting other resources. The Fund will not provide permanent endowment support for other institutions.

Although the Fund will support work involving issues of science and technology, it will emphasize political, economic, social and institutional questions. It will try to disseminate findings in diverse media and languages among public as well as specialized groups.

The Fund will make every effort to coordinate its work with the work of others and to avoid issues addressed adequately elsewhere. It will not sponsor work on short-run, ephemeral or tactical questions where there is insufficient time to address the problems covered in a systematic or timely manner. Finally, although it aspires to promote work on subjects of interest to governments and to international organizations which they are unwilling or unable to consider, the Fund will not undertake government contract research nor will it support, directly or indirectly, classified work.

IV. SUMMARIES OF PROJECTS

*A. Common problems programs*

1. *Communications*

a. *International Public Television Coordinator.* The GMF is funding for a two-year period starting April 1 the appointment of Fred M. Cohen as international program coordinator in the Public Broadcasting Service in Washington. With support arrangements in other capitals financed by the Fund and the counsel of an International Advisory Committee now being formed, the International Coordinator is responsible for systematizing information about certain non-U.S. programs and alternative access arrangements and for encouraging the exchange, coproduction, production, and use in the U.S. and elsewhere of television materials of potential comparative interest on common problems of industrial societies and possible live dialogues between regions on major international relations issues. ($160,000)

b. *European Television Journalists.* The Fund will enable three outstanding younger European television journalists to participate in the established programs of the Nieman Foundation for Journalism at Harvard University during 1974 and 1975. ($33,000)

2. Environment

Former EPA Administrator William D. Ruckelshaus assisted by Robert L. Sansom, an environmental expert, have undertaken a six–twelve month consultant contract with GMF to plan, develop and evaluate the feasibility of creating a major international private environmental trust fund to stimulate and coordinate corporate and foundation environmental philanthropy in close and effective coordination with the new United Nations Environmental Program (UNEP) and other regional and transnational environmental activities. Messrs. Ruckelshaus and Sansom have completed visits with UNEP in Nairobi and with key environmental experts in three European capitals, and they are initiating further contacts with key figures in industries, governments and international organizations.

3. Labor-management

A United Auto Workers-Harman International Industries (auto parts) labor-management team and outside experts included as members of a project on Technology, Work and Character in Bolivar, Tennessee, will be enabled to take a work/study trip in September to Norway and Sweden to examine industrial experiences in Scandinavia at Volvo and elsewhere, in reorganizing industrial and service sector work environments and to record the visits in writing and possibly film. ($26,500)

4. Land Use

William K. Reilly, lawyer, urban planner and president of the Conservation Foundation, will direct a 30-month international comparative land use project to analyze certain land use policies, laws and practices of 8–10 other countries, including Australia, Canada, England, France, Germany, Israel, Japan, Mexico, Netherlands, and Norway.

U.S. project participants and host country expert advisers will guide a staff of law, urban planning, and other professional school graduates already chosen who will carry out research in the countries studied for a year or more. John Banta, an attorney, is the full-time project coordinator. Books, articles and films will be produced. GMF grant $500,000; CF contribution $125,000.

5. Population

The GMF will assist the United Nations to provide representatives from major print and electronic media assigned to cover the U.N. first World Population Conference in Bucharest next August with the opportunity to explore with leading world experts the relationships between population and other closely related basic common problems of industrial and developing societies at a two-day "Encounter" preceding the Conference. ($15,000)

6. Resource Recovery

A GMF grant of $50,000 will enable the National Center for Resource Recovery to seek ways of transferring its advanced technological and organizational capacities in the field of solid waste management and resource recovery to interested groups in one or two other major industrial countries, probably Germany and Japan.

7. Urban Affairs

a. *Existing Urban Communications.* A grant of $20,000 to Stanford University Graduate School of Business is making it possible for former NYC Deputy Mayor Edward K. Hamilton to direct three graduate students for five months (a) to "map" existing substantive international communications links of top political and managerial leaders of 4 U.S. cities (Atlanta, New York, Tacoma and San Francisco) and 4 non-U.S. cities (Copenhagen, Hamburg, London and Osaka) with impressive innovative records in providing key urban services, and (b) to recommend methods of strengthening such communications in the future.

b. *U.S. Urban Liaison Office in Europe.* The Fund has committed $115,000 over the next two years to create a liaison office at the International Union of Local Authorities in The Hague focused on innovative developments in major European urban areas. This office will be headed by a former U.S. city official with substantial urban and international experiences to be chosen on a national competitive basis. The liaison officer selected will provide information to mayors, city managers, and other U.S. urban officials and to the principal state, county and municipal associations and their publications on the experience of European cities in confronting problems similar to those faced by U.S. cities. The office will also seek to establish specific working contacts between urban officials in the U.S. and Europe.

c. *Boston-Grenoble and Other City Exchanges.* The Marshall Fund will support the efforts of a French non-profit association of elected municipal officials and urban specialists, GEVRAM, to develop a series of exchanges between U.S., French and other European city experts and practitioners. The first stage of the program will involve a four-month exchange of officials between Boston, Massachusetts, and Grenoble, France, who will examine experiences in decentralization of urban government and delivery of halls" program. ($37,500)

*B. International affairs program*

1. Inflation

The German Marshall Fund and the Brookings Institution will cosponsor and share equally the $107,500 costs of a major new study of accelerating international inflation. Papers will be commissioned by leading economists and other experts in the United States, the Federal Republic of Germany, U.K., Sweden, France, Japan, and Brazil to look at the causes and transmission mechanisms of "double-digit inflation" which now afflicts almost all industrial societies for the first time in the post-World War II period. A conference of the experts involved will be held in November of 1974 at the Brookings Institution, which will coordinate the studies, discussions and resulting publications as the first stage of a more extended two-three year Brookings project on worldwide inflation.

2. Soviet East-West policies project

During the next 15 months the Fund will assist Professor Marshall D. Shulman, Director of the Russian Institute at Columbia University, to visit Moscow and other capitals and to encourage collaborative analysis by West European and Japanese diplomats, businessmen and scholars of Soviet perceptions of basic international political and economic trends since 1969 and resulting Soviet policy evolution.

3. Food Reserves Policies

The Fund has made it possible for the Brookings Institution to sponsor a six-month study of alternative world food reserve arrangements by Carroll Brunthaver, an agricultural economist and former government official. Mr. Brunthaver, who began his work on February 1, is assisted by an Advisory Committee of government, academic and other agricultural experts. The effort is intended to be a contribution to preparations for the World Food Congress scheduled for November of 1974. GMF $25,000; Brookings $5,000.

4. International Energy Alternatives

Professor Carroll L. Wilson of the Sloan School of Management in association with the M.I.T. Energy Laboratory will organize with GMF support an international workshop (October 2–12, 1974) at the New Seabury (Mass.) Conference Center, involving 30 business, government, and academic leaders as well as staff aides and experts from more than a dozen large consumer, oil exporting, and developing countries. The workshop, the first in a series of five to be held in America, Europe and Asia during the next two years, will focus on long-term, alternative energy options and strategies, particularly the potential reductions in demand which could result from widespread application of known technology.

5. European Communities and Atlantic Activities

a. *European Communities/U.S. Exchanges.* The Fund will share with the Commission of the European Communities the costs of four exchanges of U.S. and Common Market experts. In seriatim six-week visits in Washington and Brussels experts working in complementary policy areas (e.g.: food reserves counter-inflation efforts, land use, environment, employment) in the U.S. and Europe would be given an opportunity to learn how problems of common interest are viewed and handled in the other capital. American participation, which began in 1973 with exchanges in the energy and banking fields, will be established by a committee headed by J. Robert Schaetzel, former U.S. Ambassador to the European Communities, and administered by the Eisenhower Exchange Fellowships, Inc. of Philadelphia. ($18,000)

b. *Mid-Atlantic Clubs.* The Mid-Atlantic Clubs in New York, Paris, Washington, Brussels, London, and San Francisco, with others to be formed in Germany, which meet to discuss transatlantic affairs, will be assisted during the next three years by the Fund with a $15,000 grant to support a modest central secretariat in Europe to improve coordination of speaker programs and communications between the clubs.

c. *Standing Conference on Atlantic Organizations.* The Standing Conference on Atlantic Organizations, which links two dozen private, non-profit, public interest groups in the U.S. and Europe concerned with Atlantic affairs will receive support of $30,000 to help support a bimonthly newsletter and other activities during the next three years.

*C. European/American comparative studies*

1. Council for European Studies

The GMF approved a grant of $25,000 to the CES, an inter-university consortium of 27 U.S. universities with graduate programs in European studies with offices at the University of Pittsburgh, to support dissemination of the Council's publications in Europe, to assist in the administration of Fund language and other programs, and to encourage research in areas of prime interest to the Fund.

2. Language Improvement Experimental Program

The Fund is supporting ($15,000) an intensive two-month experimental language improvement program in cooperation with the German Academic Exchange Program in Berlin next summer for 20 American social scientists. The program, administered by the CES, will be directed by Bruce Fraser, linguist, of Boston University.

3. Support for European Scholars

(a) The GMF will obligate $65,000 in 1974 and $100,000 in 1974–75 to permit increased European participation in existing and future U.S. research and teaching programs on common problems; (b) The Fund will also provide $30,000 in 1974 and $30,000 in 1974–75 to support extended research in the U.S. by younger European university faculty members to acquire U.S. research and training experience to teach comparative courses encompassing contemporary American developments or to draw on the latter in their writings.

4. Marshall Fund Common Problems Fellowship Program

The Fund has established a Marshall Fund Common Problems Fellowship Program which will provide fellowship for a few outstanding U.S. scholars each year whose work might contribute "to the better understanding of a resolution of significant contemporary or emerging common problems of industrial societies, particularly their social, political and economic dimensions." Full-time work on developed projects will be expected during the periods of appointment which can vary from a few months to a year or more in duration. Announcements of the program will be disseminated during the summer; applications will be due by October 31; and awards will be made in December. ($125,000)

SPECIAL AWARD

In recognition of its status as a "Memorial to the Marshall Plan," the Fund has approved a grant of $120,000 over the next three years to the *George C. Marshall Research Foundation* to assist General Marshall's official biographer, Dr. Forrest C. Pogue, in the research and preparation of the portions of the biographies covering Marshall's role in post-World War II European developments and the origins and operations of the Marshall Plan.

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## ATTACKS ON SCOTT POOR JOURNALISM, EDITOR SAYS

Mr. HELMS. Mr. President, every Senator—Democrat or Republican, liberal or conservative—expects to be pilloried from time to time by the major news media which happen to be opposed to him politically or philosophically, or both. There is nothing new about this—and, really, I know of no Senator who does not believe in the Truman axiom about the heat and the kitchen. If you can't stand the heat, don't go in.

Moreover, most of us deserve criticism. Certainly I do, because I am keenly aware that I am not impossible of error. And, actually, I enjoy a spirited debate with the liberal big-city editors of my State who control every major newspaper in North Carolina except one. The only problem I have encountered has been in persuading them at least to make a stab at getting their facts straight. But they are nice fellows personally and, generally speaking, we have been able to agree to disagree agreeably. In any case, their criticism is not fatal.

My greatest concern—as one whose career has for the most part been in the news business—is the manner in which objectivity in the news so often falls by the wayside. In its place has come something that is called (in polite society, at least) "advocacy journalism." So many big-city editors, being ultraliberal politically, naturally want an ultra-liberal government. They are appalled when a conservative is elected to the Senate. They are aghast when a conservative runs for the Presidency, as in 1964. It is a matter of record that Senator GOLDWATER was abused by the major media in the most outrageously unethical fashion in history. That was a sample of this "advocacy journalism" as practiced by the ultraliberal editors and commentators.

When they get cranked up, Mr. President, it is tough even to attempt self-defense. Facts do not matter. They dream up all sorts of charges, innuendoes, epithets, and rumors. A look at the "coverage" of the Goldwater Presidential campaign is highly instructive in that regard.

These editors are not really interested in facts, and they absolutely are not interested in objectivity. They portray candidates and public officials whom they do not like as "dumb," or as a "disgrace," or as "crooks." But the candidates and public whom these editors and commentators favor? Oh, they are portrayed as pure as the driven snow. A politician with the morals of an alley cat is the beneficiary of loving treatment; he is described as having "charisma." Curiously, nothing but the most flattering photographs of these favored politicians appear in the press and on television. A thousand self-appointed press agents make sure that he comes through to the public as glamorous and wise and compassionate. All he needs to do is be an ultraliberal, and, presto, he is supplied an instant image of charm and discretion.

I do not know about other States, but in my State, the people are wising up, Mr. President. This "advocacy journalism" business is destroying public respect for the major news media. And I have seen repeated polls indicating that this is true all over the country. So this particular kind of "heat from the kitchen" is not all that bad. The polls indicate that among their readers and viewers, the ultraliberal editors and commentators, rate even lower, in terms of public respect, than does the Congress of the United States. And that, Mr. President, is going some.

But all that aside, Mr. President, Mr. Herman J. Obermayer, editor and publisher of the Northern Virginia Sun, sent me a copy of a column he wrote the other day. It was headed, "Attack on Scott Poor Journalism." It referred to a petty little article that appeared in the Washington Post recently about Senator BILL SCOTT of Virginia. The pettiness of the newspaper article was exceeded by an irresponsible outfit financed, I am told, which delights in using anonymous sources and "surveys" to attack Senators and Congressmen with whom it disagrees.

Mr. Obermayer's column speaks eloquently for itself in emphasizing the irresponsibility of those concerned in this little episode of outright meanness. I think the column ought to be instructive to everyone who has a sense of respect for fairness and objectivity.

I realize, of course, that by calling attention to this episode, I am inviting similar treatment from the Nader crowd, Common Cause, and editors who practice irresponsibility. That suits me just fine. We will handle what comes, as it comes. Who knows? They may be contriving, right now, another anonymous "poll" to attack another conservative Senator or Congressman.

In any case, Mr. President, I ask unanimous consent that Mr. Obermayer's column, to which I referred earlier, be printed in the RECORD at the conclusion of my remarks. Senators should be mindful that this is one newsman assessing the irresponsibility of another.

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

ATTACKS ON SCOTT POOR JOURNALISM

It's difficult to criticize in print professional peers you respect, particularly when their record of public service is distinguished. But the Washington Post's current campaign to create doubts about conservative Sen. Bill Scott's mental competence is an outrage.

The facts are:

In a telephone poll Senatorial staffers voted Scott "least bright" senator.

With wire service dispatches, page one articles in metropolitan dailies and magazine cover stories, the press made a big deal out of a canvass of 75 legislative assistants.

Last Friday the Post headlined a page one story about Scott's reaction, "Scott Denies He's Dumbest."

Earlier this year the Capital Hill News Service, a Nader financed reporting organization, surveyed Senatorial legislative assistants as to which of their bosses they thought was most and least "bright," "effective" and "hard working." Thirty-nine senators were named in the "least bright" category, with Scott receiving 14 of 61 votes. While eight senators received three or more votes, the pollsters did not disclose who placed second and third.

POLL WAS UNFAIR

A poll of a small number of Senate employes about their bosses is not much more significant than a high school vote on a prom queen or the most-likely-to-succeed. Most legislative assistants only know well a few senators, and as a group they are not qualified to make comparative judgments about the 100 members of the Senate.

The hoopla and publicity given the "least bright" selection appears to be part of a campaign to downgrade Scott with a charge to which he cannot respond. When the press lambastes him for specific votes he can—and usually does—explain his side of the issue. But there is no effective reply to the charge of being "dumb." Maybe it can be laughed off in social conversation, but it can't be laughed off a metropolitan newspaper's front page.

The political mud slingers know that when Scott runs for reelection in 1978 his opponents will distribute reprints of last Friday's Post article. And very few people—regardless of party—feel easy voting for a man described as "dumb" on page one of a respected newspaper.

"DIRTY TRICKS" NEWSPAPERING

This is "dirty tricks" newspapering. It is calculated to start rumors and whispering campaigns. And it's not very different than Donald Segretti planting unprovable rumors about the sex habits of Senators Humphrey and Jackson.

I can think of at least five headlines which would have been fairer than the Post's. "Scott Challenges Survey," "Staffer Poll Distorted: Scott Considering Libel Suit," "Poll Publicity Angers Scott," or "Senator Hits Press" would have all been better. And it's naive to conclude that the Post's "dumbest" headline was the result of an oversight or professional incompetence.

Both Scott and the Post know that were he to sue them for libel, he would be on trial, not they. He would have to prove that he was brighter than some other member of the Senate, and this would give the Post days and days of headlines about his intellect and competence.

Newspapers have immense power, and the Post has very recently demonstrated its capacity to use its influence creatively in the public interest. But protection of the First Amendment and a fine record do not give it the right to ride roughshod over individuals—regardless of how much it dislikes or disagrees with them.

Every journalism student recognizes Do-You-Still-Beat-Your-Wife headlines as cheap shots. And "dirty tricks" by adolescent-

minded, political hacks are fare less offensive, than by high-minded newspaper editors.

## A NEEDLESS CONFUSION ABOUT THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, there has been some confusion about whether article III(c) of the Genocide Convention, which designates "direct and public incitement to commit genocide" as a punishable act, would usurp the freedom of speech guaranteed by our first amendment. Such confusion is totally unnecessary. The Supreme Court has enunciated what speech is protected by the first amendment and what is not protected in *Brandenburg* v. *Ohio*, 395 U.S. 444,447 (1969):

> * * * the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force of the law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

While this recent enunciation of the first amendment in this area somewhat modified earlier decisions of the Court which protected mere advocacy but now calls for concrete forceable action by adding a probability of success criterion to the requirement that the call be for concrete action, the provision in question in the Genocide Convention easily meets the Brandenburg test since actual incitement to commit genocide, not mere likelihood of incitement, is required.

Mr. President, too much time has been wasted by objections such as this one which are both without substance and incidental to the issues of the Genocide Convention. Let us move forward and ratify the convention.

## STRATEGIC RESERVES

Mr. HRUSKA. Mr. President, in the June 2 edition of the New York Times there appeared an article by Under Secretary of Agriculture J. Phil Campbell which sets forth most accurately the arguments against the creation of "strategic reserves." The article also expresses quite well the feelings that I and many American farmers share on the advantages of an open market free of economic controls and price supports.

The matter of strategic reserves has once again come to the forefront with predictions by the American Bakers Association in January that bread may reach $1 a loaf by late spring because of the shortage of wheat. The fact is there was never a shortage and there is not now.

Enacting a grain reserve as a device for bolstering farm prices is simply an effort to postpone price adjustments. It would also operate at the whim of whatever administration came along, and that would be bad. It was not too many years ago when Orville Freeman was Secretary of Agriculture that he decided to dump upon the open market the Commodity Credit Corporation stocks of surplus grains. Any farmer will recall what that did to his income for that year and for following years.

We have an obligation to insure enough of a stockpile of grain to protect our domestic economy, and a humanitarian reason for coming to the assistance of underdeveloped nations or disaster-ridden areas. But, this cannot be done at the expense of the American farmer.

Mr. President, I commend the New York Times article by Mr. Campbell on grain and fiber reserves to my colleagues and ask unanimous consent that it be printed in the RECORD.

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

BEHIND THAT $1 LOAF OF BREAD

(By J. Phil Campbell)

WASHINGTON.—There is a clamor in some quarters for the Government to once again stockpile food and fiber under the name of a "strategic reserve." The supposition is that the reserve would be used to meet humanitarian needs around the world and any shortages here at home. These laudable motives, however, are not the only pressures to build up Government-held supplies of food and fiber.

For instance, the American Bakers Association in January began a nationwide publicity campaign to scare consumers into thinking we had a wheat shortage that might lead to a one dollar loaf of bread. The association urged immediate export controls on wheat for at least six months. "If the restrictions are not imposed immediately, a bread shortage seems likely and many housewives could well be paying a dollar a loaf by late spring."

The scare was unwarranted from the beginning. Secretary of Agriculture Earl Butz responded that there was plenty of wheat out in the country; all the bakers had to do was go out and buy it. Events have proved him to be correct. No export controls were put on. Here it is late spring and there's no dollar bread. Flour costs less now than then. The market found that there was plenty of wheat. We always produce about two-thirds more wheat than we use domestically.

Actually, the bakers wanted the Government to stockpile wheat reserves in the United States to carry the bakers' inventory and lower their costs. There is similar pressure today behind the clamor to build up "strategic reserves" of food and fiber.

Some grain dealers, food processors and textile manufacturers find it more comfortable for the Government to store their inventory at taxpayers' expense. Some foreign countries find it convenient when storehouses of United States farm products go beyond "humanitarian needs" and spill over into cheaper imports. And some foreign governments that have not come to grips successfully with their long-range agricultural production problems also feel more comfortable knowing that our stockpiles can bail them out periodically.

There are also some politicians and theoreticians here at home who believe that the Government should run agriculture. That's their basic philosophy. Besides, when farmers depend on the Government, politicians can gather votes by manipulating support levels, and theoreticians can keep busy studying the system and giving advice "for the public good." Even the bureaucratic machinery that busies itself with the complex of Government farm programs dealing with farm surpluses has a vested interest in building up Government stocks.

Whatever the best system might be for dealing with world hunger, it certainly should be international in its financial support, and it certainly should not be based on big stocks of food and fiber in the United States. We have had ample experience with farm surpluses in this country.

Government-held farm surpluses were a millstone around the necks of farmers, consumers and the taxpaying public for years. An elaborate system of acreage allotments, quotas, land measurements, set-asides, direct payments, storage payments and subsidies grew up around Government-held grain and fiber reserves. These regulations kept farmers in a straitjacket, impoverishing those who clung to small allotments and causing larger farmers to fight to keep a system that protected their larger allotments—which under such regulations are their "right to produce."

Farm programs turned into welfare programs that doled out a few dollars to the deserving but that poured embarrassingly large payments into the hands of the big farmers. The programs ignored sound economics of farm production and marketing, leading to inefficient, high-cost farm-production patterns. This froze in inefficiencies and froze out new farmers. Meanwhile, consumers and taxpayers paid not only in outright higher tax costs but immeasurably more in inefficiencies in food production and marketing.

All of this happened because well-meaning people thought that a strategic reserve—or "ever-normal granary"—could be built up, maintained and cleanly set aside to respond to shortages or emergencies. It did not work out that way despite good intentions. The political temptations to convert a reserve program into a surplus program, are just too great.

The market system is much more efficient and effective in maintaining normal reserves. The market system can do this more cheaply than Government reserves. The self-correcting mechanism of the market also prevents the perpetuating of huge, depressing surpluses.

The country will be far better off if farmers, processors and the market handle the food and fiber reserves as in other businesses. Processors can buy ahead on long-term contracts. And importing nations can carry larger reserves to protect their needs.

## WORLD FOOD SITUATION

Mr. KENNEDY. Mr. President, the Food and Agricultural Organization of the United Nations—FAO—recently completed a preliminary assessment of the world food situation in preparation for the forthcoming World Food Conference to be held in Rome this November.

The report contains unsettling news for both food importing and food exporting nations alike. The FAO estimates that "the vast majority of developing countries face a total cereals gap of 85 million tons annually by 1985"—which, the report states, can only be filled by major adjustments of production and stockholding policies.

In view of disturbing reports eminating from the Soviet Union regarding that nation's wheat harvest and the current congressional debate over U.S. agricultural policy to meet these inevitable world food demands, I would like to draw the Senate's attention to the FAO report as well as to several newspaper articles appearing in the Christian Science Monitor and the Baltimore Sun. According to the Baltimore Sun, the United Nations has estimated that as many as 800 million people are suffering from malnutrition—an alarming statistic especially in view of the Christian Science Monitor's reporting of the Soviet grain harvest and current U.S. indecision over establishing a food reserve.

Mr. President, I ask unanimous concent that the text of the FAO report and related newspaper articles be printed in the RECORD.

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

PRELIMINARY* ASSESSMENT OF WORLD FOOD SITUATION MADE IN PREPARATION FOR U.N. WORLD FOOD CONFERENCE

ROME, June 2.—Projection of present growth rates for population, food production and demand would leave the vast majority of developing countries with a total cereals "gap" of 85 million tons annually by 1985. This would be just under 10 percent of their needs but about three times as large as their average imports in 1969–72 and probably far more than they could afford to import.

And, if the conjuncture of unfavourable circumstances of 1972 generally bad harvests and crop failure in major producing areas—were to recur, the total import demand in developing countries might increase beyond 100 million tons. Only major adjustments of production and stock holding policies would permit world agriculture to fill such a demand.

These are among the major conclusions of a "Preliminary Assessment of the World Food Situation Present and Future" drafted for the second session of the Preparatory Committee of the United Nations World Food Conference which will meet in Geneva, June 4–8, and, as ultimately modified, for the conference itself in Rome, November 5–16.

The assessment, prepared for the Conference secretariat largely by the Food and Agriculture Organization (FAO) with contributions from other international organizations, was made on the basis of certain assumptions concerning growth of population and gross national product and excluding any major changes in governments' policies or relative prices. Other contributors include the World Bank (IBRD), the UN Conference on Trade and Development (UNCTAD), the International Labour Organisation (ILO), the World Health Organization (WHO), UNICEF and the World Meteorological Organization (WMO).

Mr. Sayed Ahmed Marei, Secretary-General of the World Food Conference, noted in a preface that the preliminary assessment "will be revised and amplified by further analysis based on more recent data as well as in the light of the comments made by the delegates at the second session of the Preparatory Committee."

FOOD DEMAND PROJECTIONS

On the basis of the assumptions made, world food demand in the seventies and eighties is calculated to grow at a rate of 2.5 percent per annum, of which 2.0 percent represents population increase and 0.5 percent increased purchasing power.

This, however, masks differences between country groups, the document states. Thus in the developed countries taken as a group the growth rate of demand is projected at 1.6 percent per annum, but in the developing market economy countries at 3.7 percent in terms of farm value. It also masks differences among developing countries. Thus, despite the rapid rate of demand growth, there would still be in 1985 some 34 countries with a combined population of 700 million in which average per capita food energy intake would fall short of nutritional requirements.

As regards cereals, which provide the bulk of man's food, the world demand is projected to rise from about 1,200 million tons in 1970 to about 1,700 million tons in 1985. Much of the increase would occur in the developing countries where cereals demand would rise from about 600 million tons in 1970 to 900 million tons in 1985. The demand for cereals in the developed countries in the same period would increase from about 620 million tons to 780 million tons.

FOOD SUPPLY TRENDS

"On the supply side," the document states, "the basis for making projections is of necessity less sure, the only readily available evidence consisting of historical trends which can be extrapolated, subject to a variety of assumptions and limitations. The period 1961–63 to 1973 was chosen after much consideration, as being the most relevant for extrapolations. The results give a production growth rate per annum between 1969–71 and 1985 of 2.4 percent for developed market economy countries, 2.6 percent for developing countries, and 3.5 percent for eastern Europe and the U.S.S.R."

Although for the world as a whole food supplies would be in approximate balance with demand, according to the calculations made, the situation would be extremely difficult for most groups of developing countries. The possible world balance hides the contrast between the developed countries, which can expand production much faster than demand, and the developing countries, with demand expanding much faster than the trend in production.

FLUCTUATING OUTPUT AND STOCKS

"All this relates merely to trends," the document notes, "but there is also the important question of what fluctuations in production above and below the trend are to be anticipated. One consideration is the weather which, as noted earlier, may vary substantially from year to year in individual countries but which only rarely puts on a uniformly bad performance over nearly all of the earth's surface as it did in 1972. Whatever is the answer to this question, there is undeniably a strong case for a new strategy in respect of food stocks."

There is a second consideration, besides weather, in anticipating fluctuations in world market demand, the document asserts.

"In former times when a country, as a result of bad weather or natural disaster had a bad harvest," it notes, "it tended to tackle the problem by tightening in its belt as much as it could internally; many people went hungry and in extreme circumstances many died, and cattle were slaughtered. Today, when crops fail, the governments turn to the world community to replenish their supplies, either on commercial or food aid terms. This practice must be expected to continue."

The document concludes that, while the amplitude of weather fluctuations may not have changed in comparison with previous decades, the amplitude of the fluctuations in demand on the world market has very significantly increased. With rising production, it adds, even the same percentage change means an increasingly large volume in absolute terms.

THEORETICAL IMPORT BILL

As an example of the import bill most developing countries would face if the projected cereals "gap" materialized, the document notes that an import of 80–90 million tons of cereals costing, say, at the 1973/74 average price of US$200 per ton, would involve an expenditure of US$16,000 to US$18,000 million a year. And, it adds, they would need imports of other foods besides cereals.

"It is clear that under the existing trade arrangements," the document asserts, "the majority of cereals importing developing countries will not be able to finance such heavy imports. In that situation, the only alternative would be a deliberate restriction of consumption in these countries by rationing or other means and this would depress their whole economies. That is why it is so important also to assess the extent to which these gloomy trends could be altered by engineering a faster expansion of agricultural output in the developing countries."

PRODUCTION POTENTIALITIES

The preliminary assessment finds that "without doubt an enormous reservoir of production potentialities—physical, biological and human—remains untapped." These will be analyzed in the final assessment and only some illustrative indications are given in the present paper.

For example in the tropical regions of Latin America, vast areas of land suitable for agriculture could be brought into cultivation. In Africa a campaign to eliminate tse-tse fly would release an area larger than the total agricultural area of the United States and would make possible the production of 1.5 million tons of meat per annum.

In most developing countries there is scope for increasing per hectare yields two-fold or three-fold above their present level. This would require harnessing the large quantities of rain water which at present go to waste and using existing irrigation water more rationally. It would presuppose much greater use of chemical fertilizers and the wider adoption of high-yielding varieties of cereals where some new and important developments are currently in the pipeline. At the same time yields of meat and milk could rise enormously through eliminating low-grade livestock and developing superior breeds.

Before assessing the magnitude of the food problem in the future—in much more detail than has been summarized here—the paper describes the present food situation and dimensions and causes of hunger and malnutrition. In the concluding portion of the document some of the main policy implications arising from the assessment are discussed briefly.

"It is proposed to amplify these further and present them with proposals for national and international action for consideration at the third session of the Preparatory Committee," Mr. Marei states. "In this context, the deliberations and conclusions of the Special Session of the UN General Assembly on Raw Materials and Development (April 9–May 2, 1974), in so far as they are relevant to the objectives of the World Food Conference, will also be taken into account."

PRESENT CRISIS

"The beginnings of the present world food crisis," the paper recalls, "go back to 1972 when the output of cereals (wheat, coarse grains and rice) in the world declined for the first time in more than 20 years and by a large amount— 33 million tons. World production of cereals, presently totalling about 1,200 million tons, had to increase on an average by about 25 million tons each year to meet the rising world demand. The sudden drop in the 1972 production created, therefore, a heavy deficit at a time when the North American countries were engaged in supply-management programmes to bring down their large surpluses. Also, this was the first time in recent decades that adverse weather affected production in several sub-continents simultaneously—U.S.S.R., China, India, Australia, Sahelian Africa and South-East Asia. Unlike in previous years of shortfall in production, the U.S.S.R. did not attempt to tide over the crisis by tightening its belt, but entered the world market to make purchases of grain on an unprecedentedly large scale."

The result was a drop in the wheat stocks of the main wheat exporting countries from 49 million tons in 1971/72 to 29 million tons in 1972/73 with the expectation of their sink-

*NOTE.—It must be stressed that this release is based upon a *preliminary* assessment of the present and future world food situation which is subject to revision. Nevertheless, it was felt that the assessment contained sufficient firm information to provide the media with useful background on the food crisis with which the United Nations World Food Conference will deal in Rome November 5–16.

ing even lower this year. Stocks in many importing countries were also sharply reduced. Rice reserves were virtually exhausted. History records more acute shortages in individual countries but it is doubtful whether such a critical food situation has ever been so worldwide.

"Although the 1973 harvests were reasonably good," the paper says, "the increase in production in the market economy countries was insufficient to prevent a further fall in exporter stocks. Production recovered in most developing countries, with the main exception of the Sahelian zone countries where a major international emergency operation was necessary to avert widespread starvation."

"If, as expected, the 1974 harvests are good, in some countries beating all records," the paper summarizes, "then stocks can be partly replenished, but it will take more than one good season to bring them back to safe levels. At the same time, a shortfall in some areas cannot be ruled out. In such a case, an equitable distribution of available export supplies might become a matter of great concern. Thus, the world's food situation has suddenly become exposed to an uncertainty of unacceptable proportion."

World cereal prices rose steeply in 1972 and reached even higher levels in 1973. With dwindling food reserves, the document notes, food aid programmes were cut and developing countries with food deficits faced, and still face, the very difficult problem of having to finance a higher food import bill.

"Food prices have gone up sharply all over the world," it adds, "and have hit particularly hard the poorer sections in the developing countries."

A major factor in the price increase has been the demand for grains and other sources of concentrated livestock feed, such as soyabeans and fish, generated by the growing demand for livestock products.

"Thus there has been something of a chain reaction in the prices of many agricultural products," the paper notes. "Demand for meat has been rising very rapidly as a result of increasing per caput incomes in the developed countries, and a sharp increase in meat prices already began in 1970. In Japan, for example, per caput meat consumption increased by almost 50 percent between 1969 and 1972. In the developing countries per caput consumption of cereals in 1970 averaged about 170 kg., almost all of which was consumed directly. In such countries as Canada and the United States, however, total annual cereal consumption is around one ton (1,000 kg.) per caput, of which only about 70 kg. are consumed directly."

World use of grains for livestock feed rose by 6.3 percent a year between 1961–63 and 1969–71, the document adds. The high-income countries as a whole, with about 30 percent of the population, accounted for 54 percent of the total consumption of cereals for all uses in 1970. The 374 million tons of grain used annually for livestock feed in these countries in 1969–71 is greater than the total human consumption of cereals in China and India together.

FERTILIZERS AND ENERGY

The food crisis was exacerbated in 1973 by serious fertilizer and energy problems, the document notes. A cyclical production shortfall has characterized the fertilizer market since the end of 1972 and led to not only high prices but even physical shortages. The rise in petroleum prices in late 1973, the paper said, not only increased the cost of fuel in agriculture, but in many cases has led to shortage and high prices of feed stocks for fertilizer manufacture. In particular, the developing countries which "have been making commendable progress in the expansion of fertilizer use are faced with the serious problem of fertilizer shortage at a time when they need it most."

MALNUTRITION

"In addition to the accumulating problems of food production," the document points out, "there is the equally vital issue of the nutritional adequacy of available supplies within countries and the extent of under- or malnutrition.

"Scientists differ on how to define malnutrition, but taking a conservative view of the definition currently in use it would appear that out of 97 developing countries, 61 had a deficit in food energy supplies in 1970. In the Far East, Near East and Africa, 20 to 25 percent of the population is estimated to suffer from significant undernutrition.

"Altogether in the developing world (excluding the Asian centrally planned economies for which insufficient information is available) malnutrition affects some 400 million people; a less conservative definition might double the figure."

The document declares that this is not just a "cold statistic." Instead, "it describes the daily physical privation of fellow human beings, adversely affecting health and physical growth and seriously reducing the capacity of children to learn and adults to work. This is a conservative statistic; as such it brooks no complacency."

Under-or malnutrition is strongly correlated with poverty, the paper states. In such widely dispersed countries as Brazil, India and Tunisia, it adds, the 20 percent of the population with lowest income has half the per caput energy intake of the top 10 percent.

POLICY IMPLICATIONS

In discussing briefly and in a preliminary and general way some policy implications arising from the assessment, the paper asserts that the 1972–74 crisis has turned the searchlight onto the central problem needing attention, namely, how to expand food production more rapidly in the developing countries.

"This requires investment on a massive scale to harness the enormous physical resources available," the document declares, "develop new technology, organizations and services. Many of the governments of these countries may need to consider how to rearrange their investment programmes in order to allocate larger shares to agricultural development and their nutritional programmes to reach the hungry. But, however great efforts they exert, a significant part of the financing may have to be provided by developed countries, either directly or through the international financial institutions. What should be the next steps in these directions requires urgent consideration."

These massive investments in agricultural expansion will take time to bear fruit. Meanwhile many developing countries will be facing an acute problem of financing their food imports. Here a substantial expansion of food aid could make a contribution as well as the concessional transfer of agricultural inputs. More generally the developing countries can be helped to earn more foreign exchange by the developed countries offering greater market access to exports from the developing countries.

A final policy implication concerns the fluctuations in harvests caused by the instability of the weather which occasionally may affect many parts of the world simultaneously. Here the major contribution should come from the creation and maintenance of national food reserves, an issue which is currently under discussion in FAO and will be a major topic at the Conference.

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[From the Baltimore Sun, June 4, 1974]

U.N. WARNS OF FAMINE—REPORTS FOURTH OF WORLD MAY BE UNDERFED

ROME.—As many as 800 million people, almost a quarter of the world's population, may be suffering from malnutrition, a United Nations report said yesterday.

The report, background material for a world food conference here in November, urged "a worldwide effort to bring about a better balance between growing world demand and supply."

It called for faster expansion of agricultural output in developing countries, massive investment to harness physical resources, substantial expansion of food aid and creation of national food reserves.

The report is the second time in a month that a United Nations agency has cited the possiiblity of worldwide famine.

On May 13, Henry R. Labouisse, the executive director of the United Nations Children's Fund, warned that the threat of severe malnutrition or even starvation faces 400 to 500 million children in poorer countries.

BAD 1972 HARVEST

Tracing the present food crisis, especially acute in Africa, back to the "disastrous" harvests of 1972, the report said: "History records more acute shortages in individual countries, but it is doubtful whether such a critical food situation has ever been so worldwide."

It said good harvests expected this year could partly replenish depleted stocks of staple cereals, but cautioned: "It will take more than one good season to bring them back to safe levels. At the same time, a shortfall in some areas cannot be ruled out."

The report underlined an increasing disparity between supply and demand in poorer countries.

It estimated cereal demand in nonindustrialized nations would rise from 600 million tons in 1970 to 900 million in 1985, leaving almost 10 percent of total cereal needs in 1985 to be filled by imports.

But even present import levels, the report said, "in present trade conditions and at present price levels cannot be maintained for long without adverse consequences on their development programs."

Turning to malnutrition, the report said "conservative" estimates set the figure of "significantly undernourished" in poorer countries at 400 million.

"A less conservative definition might double the figure," it said. "Moreover, within families it is the children and women who receive the lesser share of what food is available in order to maintain the wage earner's capacity to work."

The report said possible solutions to the food problem would be examined in depth in a subsequent paper.

It noted, however, that "an enormous reservoir of production potentialities—physical, biological and human—remains untapped."

"Many millions of acres of land suitable for farming remain unused, especially in Latin America and Africa," it said.

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[From the Christian Science Monitor, June 5, 1974]

GRAIN BANK CALLED HUNGER ANSWER—U.S. FARMERS RELUCTANT, BUT MORAL PRESSURES BUILD

(By Harry B. Ellis)

WASHINGTON.—"The United States—the Saudi Arabia of grains—can make or break" a new plan to create a world grain bank without which, its backers believe, millions may starve.

Thus a senior World Bank official defined a quiet but intense debate in Washington on whether the U.S. will back the Food and Agriculture Organization's urgent plea to create the reserve.

At a world food conference to be held in Rome this November, A. H. Boerma, director general of the FAO will call on the world to devote perhaps 15 percent of its annual grain production to a global food bank.

The U.S., as the world's greatest grain producer and the only nation with enough export capacity to feed Asia's hungry millions, will decide the fate of Dr. Boerma's proposal, experts agree.

American grain farmers generally oppose the creation of a grain bank, charging that it would tend to depress prices. The U.S. Department of Agriculture, under Earl L. Butz, tends to side with the farmers.

Lately, however, the moral responsibility of the U.S. to help feed a hungry world is an argument more strongly heard.

Experts describe the world's present food situation, with global grain stocks down to about 27 days of consumption, as a crisis of the first magnitude, with developing countries steadily slipping backward in the struggle to feed themselves.

"Each year," said a key World Bank official, "the world's grain production must increase 3 percent, to feed an additional 40 million people."

"In 1973," he went on, "because of poor crops, grain production dropped by 3 percent, or 40 million tons below expectations. The gap had to be made up from U.S., Canadian, and other reserve stocks."

Those stocks, says Dr. Boerma, now are so dangerously low that crop failure this year in a single major grain-producing area "would cause a widespread food shortage."

The world, explained a World Bank source, produces about 1.2 billion tons of grain yearly. The four largest producers are the U.S. (239 million tons), the U.S.S.R. (200 million tons), China (168 million tons), and India (105 million tons).

"Eight million Americans," said the World Bank official, "grow 239 tons of grain." He paused. "It takes 364 million Indians to grow their 105 million tons."

EVERYONE WORKS

This enormous productive superiority of American farmers also overshadows the Soviet Union's performance, where 77 million persons labor to produce 200 million tons of grain, and even more the experience of China, where 514 million peasants harvest 168 million tons.

In India and China, in other words, almost everyone works at producing food—and still these huge Asian nations must import grain.

By 1985, according to an FAO report just released, there will be an 85-million-ton annual gap between the food that is grown and what is needed. In such a case, clearly, countries with the most money will get the food.

They will, that is, unless nations set up a global food bank and agree to parcel it out in some fashion to the needy.

This throws the spotlight back on the U.S. debate over what role the U.S. should play this November in Rome.

"What really disturbed world markets last year," remarked a World Bank official, "was the Soviet Union importation of 20 million tons of grain."

CATTLE VERSUS PEOPLE

This grain was not primarily to feed people, but to fatten cattle, for Kremlin leaders have pledged to raise more meat for their people.

Many experts now say that affluent nations—the U.S., Japan, Western European countries, and some Eastern European societies—will have to cut back on meat consumption, or millions of Asians and Africans may starve.

In the short term, analysts say, a way must be devised to build up depleted world grain reserves against the possibility of a poor crop year.

Over the long term, the World Bank and other agencies must make a concerted effort—through encouraging land reform, and by teaching better fertilizing, growing, and marketing techniques—to increase the output per acre of millions of peasant farmers around the world.

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CROP TROUBLE MAY FORCE SOVIETS TO IMPORT AGAIN

(By Paul Wohl)

This year's Soviet grain crop is in trouble. Much of the winter wheat has perished, and only extensive and speedy spring sowing will enable the Soviets to reach their goal of a 205 million ton grain harvest.

The problems are many. In southern Siberia the snow cover in the middle of May was the highest in history. Along the lower Volga River and in the Urals cold weather and heavy rains hindered spring sowing. It was the same for central Russia and the northern half of Kazakhstan.

Other parts of the country were hit by drought. One-third of the normally productive Ukraine reported dust storms as early as the middle of March.

The government newspaper Izvestia on May 23 complained of "capricious and complicated spring weather."

Labor gangs have been mobilized all over the country to speed up spring sowing. Factory workers have been ordered from their jobs and out into the fields to help.

FLUCTUATIONS COMBATTED

Harvests are uneven from year to year in the Soviet Union. Last year's exceptionally good grain harvest was reportedly 222 million tons. But just the year before the total dropped to 168 million tons.

Soviet farm policy is trying to minimize these fluctuations. Farming will spread into Russia's non-black earth regions in the northeast where yields are smaller but the weather is more predictable.

The Soviets hope to prevent a repetition of the 1972 crop disaster which forced them to import more than a billion dollars worth of grain.

The bleak outlook for winter wheat is serious because winter wheat accounts for 40 percent of the wheat harvest. And wheat accounts for 90 percent of the entire cereals group.

The oats and barley harvest also is threatened. Aleksander I. Baranov, director of the National Scientific Research Institute of Grain Economy, said on May 16 that the growth of weeds in the oats and barley fields may cause a smaller harvest.

Corn this year which former Premier Nikita S. Khrushchev introduced between 1960 and 1963 may save the grain harvest. On April 5, Silski Visti, a Ukrainian farm journal, advised sowing corn as an "insurance corp."

CORN TO THE RESCUE

"When winter wheat prospects appear to be unsatisfactory, it is possible to correct the total yield by sowing corn," the article said.

The spring wheat sowing campaign also may correct the unfavorable picture. Last year at the beginning of the campaign, grain prospects looked poor, too. According to the latest report, the weather seems to have cleared up.

In addition, preparations for the crop have improved. The havest decree published on May 10 disclosed important new departures of policy:

Centralized control of grain procurement is designed to prevent farms from trying to make higher profits through interfarm or kolkhoz market sales instead of delivering the grain at the established price to the procurement centers.

Storage facilities within the procurement system will be decentralized. The state bank is set to grant the farms additional long-term credits to build drying facilities, cover threshing floors, grain elevators, and storage places for grain from the 1974 harvest. (Last year about 20 million tons of grain were lost because of insufficient storage space.)

"HARVEST RECRUITS"

The new policy of letting the farms build their own storage and threshing units was suggested in April in the Economic Gazette by Minister of Procurements Grigory S. Zolotukhin.

Control over farm consumption of agricultural products will be increased, and a new system of stimulating the labor productivity of "harvest recruits" from the industrial sector has been introduced.

Whether these measures will enable the Kremlin to keep up with the astronomical rate of increase in the consumption of grain in both the U.S.S.R. and Eastern Europe is a moot question.

Net grain consumption in 1970–71 in the Soviet Union and Eastern Europe was more than 45 percent above the 1960–61 average. Harvest prospects in Eastern Europe are poor this year. On April 21, Radio Warsaw reported that drought in Poland had lasted well over one month. Ceteka, the Czechoslovak news agency, reported that the drought this year was the worst in almost a hundred years.

This means that the Soviet Union this year may have to export even more grain than usual to Eastern Europe at a time when its own harvest is likely to be less abundant than in 1973.

Under these circumstances, it is possible that Moscow once again may have to turn to the world market where grain prices are so much higher than last year.

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## TAX ON PRIVATE FOUNDATIONS

Mr. DOMINICK. Mr. President, on May 14, my very distinguished colleague from Oklahoma, DEWEY BARTLETT, presented before the Senate Finance Committee a statement in favor of reducing the foundation tax from 4 to 1 percent. This tax was originally imposed to cover the cost of auditing the foundation operations, but in fact, has resulted in creating seven handicaps on a number of very good undertakings and with his usual flair, initiative, and brains, Senator BARTLETT presented the problem in admirable form and suggested a realistic solution.

Since I believe in his approach, I think the readers of the RECORD should have a chance to read it in detail. I ask unanimous consent that his statement be printed in the RECORD.

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

STATEMENT OF HON. DEWEY F. BARTLETT

Mr. Chairman, I appreciate very much the opportunity to appear before the Subcommittee on Private Foundations to present my views concerning the 4 percent excise tax on the income of private foundations. I appear before the Committee because I have introduced S. 1135, a bill to reduce that tax from 4 to 1 percent of net investment income.

You, Mr. Chairman, and the other members of the Subcommittee, are of course familiar with the history of section 4940 of the Internal Revenue Code which imposes the tax that my bill would lower. However for purposes of the record let me review that history briefly. Prior to passage of the Tax Reform Act of 1969, the investment income of private foundations qualifying as exempt organizations was not subject to tax. Many exempt organizations were taxed on their unrelated business income, but this tax did not apply to ordinary investment income.

During consideration of the Tax Reform Act by the Committee on Ways and Means,

some members voiced the suggestion that private foundations ought to bear some of the burden of the general cost of government, including providing the funds necessary for more vigorous enforcement of the tax laws relating to exempt organizations. The Committee on Ways and Means responded to these views and imposed a general income tax equal to 7½ percent of the investment income of private foundations.

However, the Senate Committee on Finance concluded that it was inappropriate to levy a general revenue tax on private foundations even though it was appropriate to assess private foundations an audit fee to provide the funds needed by the Internal Revenue Code provisions relating to private foundations and other exempt organizations. The measure recommended by the Committee as ultimately passed by the Senate would have imposed on private foundations an audit fee measured by a percentage of the fair market value of the investment assets held by a foundation.

The Conference Committee on the Tax Reform Act took the middle ground between these two conflicting philosophical views and section 4940, as enacted into law, provided that an excise tax measured by net income would be imposed on private foundations. The current rate of tax, Mr. Chairman, is 4 percent. Experience has shown that this figure produces revenues which is far in excess of what the Treasury needs to audit the activities of *all* exempt organizations, let alone what it needs to audit just private foundations.

It is because this tax on foundation income has become a general revenue producing measure that I introduced S. 1135 to lower the tax to 1 perecnt of net investment income, thereby bringing the amount collected into line with the amount that is needed by the Treasury to fund its audit activities. It is my understanding that a tax imposed at the rate of 1 percent of net investment income would produce funds sufficient for this purpose. If this figure is not correct, I would suggest that Treasury be requested to inform the Subcommittee as to what precise level of tax would produce the amount that legitimately is needed for compliance activities by the Internal Revenue Service.

Mr. Chairman, I think it is appropriate to provide for the record a statement of the reasons why I believe passage of S. 1135 is not merely desirable but necessary, and is necessary immediately. Initially, I cannot agree in principle with the philosophy that private foundations ought to provide part of the general revenue of our government. But even putting that point aside, the tax as it currently operates is not justified. It is essential to recognize that the 4 percent tax currently imposed is *not* a tax on private foundations. The tax is a tax on those operating charitable and educational organizations which depend upon private foundations for support.

That this is so may be demonstrated easily by reference to other provisions of the laws governing foundations. Section 4942 of the Internal Revenue Code requires a private foundation to distribute annually a minimum amount for the active conduct of charitable activities. The figure to be distributed each year is derived through the application of rather complicated provisions and it is not necessary to review them in detail at this time. What is critical is a recognition of the fact that the tax on investment income is subtracted from the amount that a private foundation must otherwise distribute each year under section 4942. Thus, the incidence of the tax on investment income is borne dollar for dollar by the charitable and educational organizations that otherwise would have received the monies that are now being applied to pay the tax.

I find this to be a terribly unfortunate situation. Let me cite but one of many examples from my own State of Oklahoma to illustrate the reason for my concern. St. Francis Hospital in Tulsa is one of the leading hospitals and medical research institutions in the United States and it has been generously supported from its very inception by a private foundation located in Tulsa. The fact that St. Francis has such a substantial level of private support has enabled it to provide the citizens of Tulsa with some of the most sophisticated and advanced medical facilities in the world. In addition, the medical community resident at St. Francis is of the highest academic and professional level, and has contributed in great measure over the years to the better health of all Americans through research and other activities. Since 1970, when the 4 percent tax became effective, hundreds of thousands of dollars have been diverted from the work of this hospital into the general revenues of the United States. I feel strongly that this diversion is not justified.

Viewed as a general revenue measure, the tax on investment income of private foundations raises an insignificant sum of money for the government, but it takes from active charitable pursuits money that in many cases is critical to the continued existence of many charities, and might have enabled other charities to make even greater contributions to society. Who can tell what might have been done with several additional hundreds of thousands of dollars at St. Francis Hospital in the way of providing new and better medical facilities, or perhaps even in contributing through research to the elimination of significant diseases.

One need not look only at hospitals to understand why I introduced my bill. All around the country many small private colleges that have contributed greatly to our society are being forced to close through lack of support. These examples are specific but they are by no means unique.

I am also concerned Mr. Chairman with the fact that the imposition of a tax on the investment income of private foundations for the purpose of increasing the general revenues is a marked departure from the centuries old tradition in this country of encouraging private support of charitable activity. Although the government has properly undertaken many worthwhile activities in the social and educational fields, I must say that it is my firm conviction that private philanthropy is essential to our country, and that absent private philanthropy many worthwhile institutions will not be able to function and many worthwhile projects will have to be abandoned.

I believe, Mr. Chairman, that the time for action has arrived. Prior to your scheduling these hearings there have been three Congressional hearings since 1969 concerning private foundations. You, Mr. Chairman, held hearings on October 1 and October 2, 1973. The Committee on Ways and Means and the Subcommittee on Domestic Finance of the House Committee on Banking and Currency each held hearings in April of 1973. At each hearing a number of witnesses urged that the tax imposed by section 4940 should at least be reduced to a level consonant with Internal Revenue Service audit costs. Thus, Mr. Chairman, it is my opinion that a record of opposition to the collection of more than is necessary to audit exempt organizations has been made in every available forum and legislation is justified. Indeed, I believe that I am correct in saying that, from 1969 on, the Treasury has never favored a tax which would produce revenues greater than that necessary to fund a vigorous enforcement program.

I view S. 1135 as a necessary first step to achieve equity. I should point out Mr. Chairman that all this bill does is to bring the level of the tax down to the amounts needed by the Internal Revenue Service to fund its audit activities of exempt organizations. In a sense this bill may be viewed as but a necessary and desirable interim measure. It leaves many questions unanswered that are properly subject to continuing discussion and debate. For example: I question whether a tax on foundation income is the best way of collecting an audit fee. Similarly, many have asked whether private foundations ought to be taxed even to provide for their own audit activities, and if they should, whether the amounts collected ought not be earmarked for this specific purpose.

These questions and others Mr. Chairman, while a fit subject of debate for the future, are not raised by my bill and do not have to be resolved now. The only purpose of my bill is to return to the original philosophy that prompted the Senate of the United States to provide what is described as an audit fee or a supervisory fee.

Mr. Chairman, the Congress in 1968 acted properly and decisively to eliminate the abuses alleged to exist in the foundation field. Comprehensive statutes now regulate the relationship between a private foundation and those who donate to it, prevent unreasonable accumulations of income or imprudent investments, assure that funds are distributed for active charitable purposes, and prevent the granting of money to individuals for improper purposes. Having done this, Mr. Chairman, there is no reason further to deplete the funds available for charities that are in such dire need of support. The audit fee collected from private foundations should, at most, be no more than is sufficient to provide for the supervision of exempt organizations by the Internal Revenue Service.

Mr. Chairman I appreciate the opportunity of appearing before your Subcommittee and I hope that the Subcommittee will see fit to act favorably on S. 1135.

## COLD TURKEY

Mr. BUCKLEY. Mr. President, I recently came across an address by Dennis Dunn, the Republican county chairman for King County, Washington, which packs as much economic good sense into a few pages as I have seen. If any of our colleagues has any question as to what causes inflation, or as to the Congress' direct responsibility for our current economic problems, I recommend that they take the time to read it. I ask unanimous consent that Mr. Dunn's address be printed in the RECORD.

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

COLD TURKEY

(By Dennis Dunn)

"The greatest problems our country will face in the decade of the seventies will be those of inflation and depression. It is conceivable that depression can be avoided for another 5 or 10 years, but it will only be avoided by pursuing governmental policies which will necessarily produce raging inflation. And should raging inflation ever become runaway inflation, depression far different . . . and far worse than the great depression of the thirties . . . will paralyze America."

To make that statement in mid-1974 is perhaps about as profound as saying the Huskies had a bad year in 1973. But that statement was made more than 3 years ago in a series of essays I wrote and sent out to the Republican Precinct Committeemen of King County on the subject of inflation and the U.S. economy.

In April of 1971, my predictions on the course of our economy appeared to be somewhat pessimistic . . . perhaps too ominous

and too threatening. How I wish I had been wrong! As I re-read those essays today, I see that events are already bearing out those predictions. We are no longer at the threshold of raging inflation . . . we are completely inside the door. You don't need an economist or anyone else to remind you that your savings are evaporating and your dollar is buying less and less each day. All you need is a grocery receipt. I am not here to tell you what you surely already know.

Nor am I here to wrap a shroud around the American economy and extend an invitation for you to join in the wake.

We are not dead yet.

But, we are living in difficult times, with even more difficulties lying ahead.

I am here to offer my suggestions as to how we can overcome those difficulties, and I submit that the obvious first step to solving any problem is to understand the problem. With understanding, the medicine for the cure won't go down any easier, but at least one becomes more willing to swallow it.

"Inflation," you may have heard it said, "wouldn't be so bad if prices just didn't keep rising." One wonder if the statement is made in jest or in seriousness. For rising prices are clearly a result of inflation, not a cause.

The fact remains, however, that if you wish to teach your children the value of a dollar, you'd better be quick about it: if it's not already too late. For what has happened is that, between 1940 and 1974, in my lifetime, the dollar has lost three-quarters of its purchasing power. Nearly half of that loss has occurred during the past ten years. In the past three years, the annual rate of inflation rose from 5 percent in 1971, to 9 percent in 1973, to 14 percent for the first quarter of 1974. And, despite the hopeful predictions out of Washington, D.C., I think it is safe to say the situation is going to get worse . . . not better. Even if you assume that inflation will level off at a steady rate of 14 percent (a risky assumption, believe me, for the longer view), do you realize the present dollar will lose half its purchasing power in just four years and seven months?

"So what?" Some people have asked me. "Why does inflation really matter if wages go up as fast as prices?" I must admit, you hear that question less frequently today than in 1971 when I was writing my first essay on the subject. Nevertheless, even if wages were rising as fast as prices, there are still several very good answers to that question. First, inflation must be thought of as a hidden tax . . . a tax which strikes hardest at those who can least afford to pay it: the poor, the elderly, or the wage-earner who barely makes ends meet and doesn't have the capital with which to hedge against the ravages of inflation.

Inflation is especially cruel to those who are past their active earning years, and who must live entirely on savings, pensions, or fixed incomes. Ask yourself—why is it retired people today find their social security pensions totally inadequate to live on? Those pensions certainly would be adequate if the dollars they are receiving could buy nowadays what they could have bought in the years when they were initially earned.

The second major reason inflation really matters, in spite of climbing wages, is that it destroys the incentive to save. What good does it do to put your surplus dollar earnings into a savings bank at 6 percent interest when inflation destroys the value of those dollars by 9 percent or by 14 percent?

Inflation discourages thrift and encourages debt. It encourages living for the here and now, rather than planning for the future and tomorrow. After all, who does not incur debt today and pay it off with cheaper and cheaper dollars? Alas, for millions of Americans (not just the Federal Government) debt, or living beyond one's means, has become a way of life.

And yet, there are very few perils in life as dangerous as debt. I'm afraid most contemporary Americans would simply laugh at Ben Franklin's admonishment, "rather go to bed supperless than rise in debt." Thomas Fuller called debt the worst poverty . . . Raloph Waldo Emerson said that a man in debt is so far a slave. And Wendell Phillips described debt as "the fatal disease of Republics . . . the first thing and the mightiest to undermine governments and corrupt people."

Of course, not all the philosophers and past national leaders have condemned debt. Franklin D. Roosevelt said . . . and I quote . . . "Our national debt, after all, is an internal debt, owed not only by the nation, but to the nation. If our children have to pay the interest, they will pay that interest to themselves."

What unmitigated gall! Or is demagoguery not a better word?

We are the children he spoke of. And our children and their children will forever be paying that internal and eternal debt which he dismissed so lightly.

Thomas Jefferson warned us nearly 200 years ago that public debt is the greatest of dangers. In his words . . . "We must make our choice between economy and liberty, or profusion and debt." If, said Jefferson, "we can prevent the government from wasting the labors of the people under the pretense of caring for them, they will be happy."

As much as anything else, it has been the virtue of thrift, the propensity of Americans to save, to spend a little less each year than they earn, which over the last two centuries has produced such a prosperous economy and such a remarkable standard of living. I say this because, without money in savings, few American businesses would have ever gotten off the ground. In order to provide more jobs, businesses must be able to build and expand; in order to build and expand, they must be able to borrow funds that someone else has been willing to part with on a temporary basis. Destroy the incentive to save, and you destroy the wellspring of American productivity. Unfortunately, U.S. inflation has already all but destroyed our incentive to save.

The third basic reason inflation really does matter . . . even if wages manage to keep pace with soaring prices . . . is that once inflation passes the nominal stage, meaningful economic planning becomes all but impossible. Not only can a person no longer feel secure in the knowledge of a properly planned retirement, but even short-term planning becomes difficult. The value of the dollar should be a yardstick for measuring the value of everything else. Can you imagine the havoc that would be brought to the world of science and technology if engineers and scientists had to cope with constantly shrinking units of measurement such as the inch or the centimeter? Similarly, a steadily shrinking monetary unit of measurement brings chaos to an economy, distorts financial judgments, and frequently leads people to take on commitments they really cannot afford, despite their recent pay-raises. How many people are there in the U.S. today who, in a moment of exultation following some healthy boost in pay, have gone out and contracted for 36 monthly payments on a camper, a boat, or a swimming pool, and (long before those contracts were paid off) have ended up, of necessity, staying home and eating canned beans for dinner alongside their swimming pools?

To understand inflation, we must understand money. And money is a most basic form of property. It is minted human energy, and, as such, is an extension of yourself and your very life. Every dollar you earn represents a portion of your life—so many heartbeats out of the total number you are destined to enjoy. Once earned, there are only two things you can do with a dollar . . . spend it or save it. These two choices reflect the dual function that money has always served.

First . . . it is a medium of exchange which allows you to convert your labor into the means of sustaining yourself. Secondly, money is a store of value which you may choose to reserve for consumption at a later date, hoping of course, that it will still buy as much when you need it as it could have bought when you originally earned it.

Inflation is what destroys your store of value when a government dilutes the medium of exchange through excessive creation of money and credit. When government officials flood the economy with unearned, irredeemable paper money, they are actually destroying your property rights and mine. Remember that money is a most basic form of property, and that the right to property is the right to own and dispose of the fruits of your labor.

The extent to which this destruction of property rights has taken place here in America during the past several decades is hard to believe even for those who have lived through it all. Since 1939, due to the subtle process of inflation, the loss to savers has been nearly 700 billion dollars worth of purchasing power. That staggering figure represents a transfer of wealth from the private sector to the public sector . . . or, in other words, from the productive elements of society to the non-productive elements.

I have already mentioned the devastating impact of inflation upon the elderly. But what of the young? Consider the American who starts his first steady job at the age of 18. If the dollar inflates at an annual rate of ONLY 6 percent, he will see prices double before he reaches the age of 30. They will double for the third time in his life before he reaches 54. By the time he reaches retirement age of 65, he will have to pay 16 times as much for any item he wishes to purchase as he would have paid when he began his working life at 18. If he lives to the age of 78, prices will be 32 times higher. During his lifetime, the dollar will have shrunk to a mere 3 cents. And that's at only 6 percent annual inflation.

Unfortunately, our annual inflation rate is much much higher than 6 percent, and climbing.

Remember Joe Louis? He ended his ring career in poverty despite the millions of low tax dollars he earned. Louis was a great fighter but a lousy golfer. Unhappily for him, too many of his golfing partners were not only more proficient on the fairways, but unscrupulous as well. A one-dollar-a-hole bet, doubled each time a hole was lost, didn't seem like much money to Joe, but at the end of 18 holes, Louis would owe his golfing companion 131 thousand dollars.

Inflation works much the same way. Germany's Mark depreciated 100% between 1914 and 1918. It took two Marks to buy what one would buy four years earlier. Five years later, run-away inflation had made the Mark totally worthless. In late 1923, the Germans paid off their war debts with 320 billion marks . . . which by that time had been reduced to a value of 8 cents in U.S. dollars.

320 billion Marks could pay off the German war reparations in 1923, but 320 billion Marks would not buy a single loaf of German bread.

Here in our own country in the year 1974, a 35-year-old man earning 20 thousand dollars a year will need two-and-one-half million dollars a year by the time he retires . . . if things don't get worse. This assumes an annual inflation rate of no greater than 14 percent. Viewed in that light, Social Security becomes a cruel hoax, does it not?

Such are the consequences of inflation.

Yet before a problem can be solved, we need to know more than the consequences. In order to complete our understanding, we

must also fully appreciate the cause of the problem.

When seeking out the causes of inflation, it's important to differentiate between primary causes and secondary causes. There is really only one primary cause of inflation, and that is government expansion of a nation's supply of money and credit. All other causes are merely corollary, made possible only by the willingness of government officials . . . usually for political reasons . . . to allow a country to live beyond its means.

How often have you heard a conservative blame inflation on Big Labor's demands for higher wages? Or how often have you heard a liberal blame inflation on the high prices charged by Big Business?

Both of those accusations are manifestly false. It is not possible for wages and prices to cause inflation, for the simple reason that business cannot pay higher wages or charge higher prices unless the money supply is increased. When there is more money available to the marketplace, there is obviously more demand for goods and services—which is what causes prices to rise. Rising prices then put more pressure behind the drive for higher wages, which in turn usually get passed on to the consumer in the form of still higher prices—but only if those higher prices can be sustained, and production sold, as a result of the constantly expanding money supply. The circle is a vicious one. Without an increase in the money supply, successful union wage hikes would necessarily result in unemployment and lower production. Otherwise the companies involved would simply be priced out of business by their increased costs, without being able to increase their prices.

Once the whirlpool of inflation is begun, the politicians cannot stop their artificial stimulation of the economy without being accused of causing unemployment and depression. So, what does the typical political leader do?

He is not going to blame himself.

He cannot blame Labor.

So he blames Big Business.

Between the news media, our educational system, and politicians, profit is rapidly becoming a four-letter word and alien to contemporary American principles. The fact is, however, that profit has nothing to do with the cause of inflation, and, without our free enterprise system would have folded long ago. It is precisely the opportunity for profit, combined with the principle of free competition, which together are responsible for the unprecedented prosperity of America. Yet to hear the news media interpretation of profits, they sound like a gigantic public rip-off.

Actually, when you take a look at our educational system it's not the least bit surprising that newsmen, as well as most Americans, are un-acquainted with the role of profit and the free enterprise system. We constantly hear about shortcomings in our schools in the areas of reading and mathematics. But how often do we hear about the nearly complete ignorance our students have of American history? The public school system has miserably failed us, not only in the 3 R's—but also in imparting to our students any real understanding of their precious national heritage: of the thinking of Adams, Jefferson, Hamilton and Madison—to name only a few. Our children haven't even received a nodding acquaintance with the genius of Adam Smith and the free market system. Is it any wonder we have rampant inflation today when the general population of the country is blind to what makes the economics of a free nation work? Perhaps if we and our children had been given the education we've so richly paid for, we wouldn't be facing the prospect of economic chaos ahead.

History tells us that governments have never been able to devise more than three basic ways of financing their operations and expenditures. The first is taxation . . . direct and indirect. The second is borrowing, usually resorted to only after the level of taxation becomes objectionable. The third is increasing the quantity of money and credit . . . which is a polite way of saying inflation.

Our national "public" debt today stands at 475 billion dollars. That means that during the last 50 years . . . and mostly the last 30 . . . the Federal Government has spent roughly 400 billion dollars more than it was able to collect in taxes. Now, how in the world does the government spend money that doesn't exist? Let me tell you . . . easily! It simply creates it out of thin air by issuing notes to the banking system. The face value of the notes is credited to the government's account, and the notes are then added to the so-called "public" debt.

The single most important thing to understand here is that this newly created money is unearned: it represents no investment of human time or energy, and therefore can assume true value or purchasing power only by "borrowing" purchasing power from money already in circulation. The "kicker," of course, is that the "borrowed" purchasing power can never be paid back. The only true-value, non-inflationary money that any government has to spend is money received in taxes, or legitimately borrowed out of the people's earnings. When government decides to spend more than it has thus received, that extra, unearned money takes on value only by reducing the value of all money, savings, pensions, annuities, and insurance. That's what inflation is all about.

We hear about inflation in other countries . . . particularly South America. Inflation seems to be a way of life for those nations . . . and yet, so is abject poverty for the vast majority of their citizens. Thus far, our own people have been spared most of the hardship which other peoples, over the centuries, have simply taken for granted.

But where are we now in America, as we approach the 200th anniversary of the birth of the Republic?

The figures and percentages change from day to day, and from one economist to the next. But this much is certain! For the first time since 1947, the United States is experiencing a double-digit inflation rate. As for length and severity, the current U.S. inflation has already become the worst since World War I.

Well, as I said at the beginning of my speech, you don't need an economist, a politician, or anyone else to tell you that your dollar is buying less and less, faster and faster.

Now that we have covered at some length both the consequences and the causes of inflation, that leaves just one thing to consider . . . the cure. Solving the problem. There is no easy answer. If there were, it wouldn't be such a devastating problem.

But there are solutions . . . and there are alternatives. The one which our present leaders in Congress will most likely take is to do nothing to curb inflation, but instead continue to feed it by increasing the deficit spending, and therefore as well the dosage of fiat paper money needed to pay for that deficit spending. This can only postpone the inevitable, resulting ultimately in our self-destruction.

The other alternative, which, on the surface, would appear to be the hard route, is to go "cold turkey."

The incredible economic dilemma our nation finds itself in is precisely analogous to a person who has become hooked on drugs. First, he plays around a little with grass, works his way in deeper, and finally gets hooked on the hard stuff. Withdrawal is then extremely painful . . . but the only choice is either to go "cold turkey," or to continue to increase the dosage all the way to premature and certain death.

As a nation, we are already hooked on the "drugs" of printing-press money, deficit spending, and virtually limitless credit expansion. Make no mistake about it, withdrawal from our inflationary economy will be very painful. However, we have no other choice except ultimate chaos and disaster.

As historian Arnold Toynbee has pointed out, of 21 notable civilizations, 19 perished Not from External conquest, but rather from Internal disintegration.

In a metaphorical sense, we are all suffering from a severe case of the measles, with the red blotches prominently visible on all our faces. It was never my intention to point this out, tell you that it's caused by a virus, and then sit down, saying we'll all suffer and die together. There is a vaccine. Painful though the shot may be, we really have no other choice for economic survival but to withdraw from the causes of inflation. What is this medicine I speak of? Certainly it is not Wage and Price Controls! Our recent experience with "Phases" I though IV should have taught us that lesson once and for all. Economic controls cannot possibly cure inflation in the long run because they are aimed at the private sector of the economy, whereas it's the public sector . . . government . . . which is causing the problem in the first place through excessive money creation. Obviously, economic stability cannot be sustained without economic discipline. Primarily self-discipline, by government itself.

You can be sure that most of our political leaders understand this. And if they don't, they are not only incompetent, but stupid. What they are Not sure about is that We understand it.

And because they are not sure, they are unwilling to take the vaccine of economic discipline, which means simply returning, step-by-step, to a sound dollar and a healthy economy. These steps would require first of all, restoring to Americans their right to own gold. Secondly, it means renewing the ties between our paper dollar . . . now rapidly becoming worthless . . . and gold. Thirdly, it would necessitate putting an end to any further deficit spending at the federal level; and fourthly, it would require an Act of Congress, or a Constitutional Amendment, stabilizing our nation's supply of money and credit.

There are other ways of backing a paper currency besides gold, but gold is probably the best standard to use for supporting a monetary system because it has the unique distinction of being the ONLY exchange commodity universally accepted in all civilized nations since the beginnings of recorded history. And it has never once been refused by any country in payment for debt.

The enemies of gold are fond of claiming that it is an archiac institution which has out-lived its usefulness as a monetary standard.

If that be so, then why do we have laws in this country preventing individuals from owning, buying or selling the barbaric metal? And why does our Federal treasury refuse to sell gold today to anybody at any price?

The enemies of gold often claim that there simply isn't enough gold to go around to support the needs of expanded world trade. The fallacy in this line of thinking becomes clear when we ask ourselves the question, "Would there be enough Cadillacs to go around today if they were still selling at 1934 prices?" Once a truly free market in gold is established, supply and demand will regulate the price, and any quantity of gold will, in the process, become sufficient to undergird all of the free world's currencies. This is the only way to have real economic discipline.

I am convinced that the survival of our free nation with its free institutions will depend largely on the continued productivity of our economy. And the continued productivity of our economy depends chiefly on the integrity of the Dollar. I might add that the integrity of the Dollar depends on the integrity of our political leaders. It's easy to see how much integrity there has been in that arena for the past 40 years.

Fortunately, there are some recent encouraging signs. The most significant one comes from our new Secretary of the Treasury, William Simon, who has been publicly advocating the right of Americans to own gold. Another encouraging signal is a message being sent to Washington by an ever-increasing segment of the American people. They're saying, in effect, we know good money from bad. And they're sending the message by converting Federal Reserve notes . . . paper dollars . . . into silver and gold coins. Ask any coin dealer where the volume of his business has been the last several years. Certainly not in rare coins! But rather, very simply, in real money: in gold and silver coins—the kind of money our paper dollars used to be convertible into. Forty years ago, a U.S. 20 dollar gold piece circulated and traded for 20 dollars' worth of merchandise. Today you must pay 300 paper dollars for any common-date $20 gold piece. If you want to buy a 1964 silver Kennedy half-dollar, mintage 433 million coins, it will cost you nearly two bucks today. Truly, I think that tells the sad story as eloquently as anything can, and it also points the way toward a return to monetary sanity. The crux of the matter can be stated very simply. When citizens have a choice between hard money and depreciating paper, their government—unless it wishes to risk seeing its "legal tender" notes repudiated—has no choice but to act to preserve the integrity of the medium of exchange.

The job of restoring sanity to our economic and monetary policies will be completed when a majority of Americans understand that ALL our freedoms depend on economic freedom, and when they start insisting that their elected representatives guard that freedom.

Americans are only human, and we have made many mistakes in the past. However, our mistakes as a nation have been more than offset by our right decisions. I am indeed hopeful, now that the economic blunders of the past 40 years are becoming more clearly defined and more widely understood, that the right decisions will be made in the trying months which lie ahead.

## HOUSEHOLD GOODS CARRIERS

Mr. MONDALE. Mr. President, I am sponsoring S. 3334, a bill designed to improve service provided by household goods carriers and to allow the consumer to make an informed choice when choosing a moving company. That bill is cosponsored by Senators CRANSTON, DOMINICK, HUGHES, HUMPHREY, JAVITS, and RIBICOFF.

In brief, the bill would require moving companies to submit pertinent information on their performance in such areas as timeliness, damage, under- and over-estimation, and claims settlement to the Interstate Commerce Commission quarterly. The ICC would compile this data in a readable and understandable form. The 20 largest moving companies, those with 48-State authority, which account for 80 percent of the moving business would be required to give the consumer comparative data with respect to this performance. Other companies would be required to give the consumer information on their own performance.

The bill should serve two important purposes: First, the consumer will be able to make an informed, intelligent choice of a moving company. On the basis of comparative data, he will choose the company with the best record. Second, and most importantly, when the records of the moving companies are exposed to public view, they should improve markedly.

An editorial in the Minneapolis Tribune of June 4, 1974, discusses the need for this bill and concludes that the reforms embodied in S. 3334 "don't give the consumer anything more than information, are mild, and, it seems to us, not unreasonable." While there may be a need for more drastic and far-reaching reform, S. 3334 represents an important first step on the road to improvement in the performance of moving companies. I am hopeful that the Congress will enact it into law.

I ask unanimous consent that the editorial from the Minneapolis Tribune of June 4, 1974, entitled "Moving Days and Problems" be printed in the RECORD.

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

MOVING DAYS AND PROBLEMS

Moving season is here again—the school-vacation days when many people change residences—and the experience is a trying one for many families. In addition to the chore of moving, there is likely to be the stress of changing jobs, schools, friends and environment. Thus any difficulty encountered in the transportation of household goods by moving-van companies—lost or damaged furniture, underestimated charges, delays, delivery mixups and problems on claims—can be particularly upsetting.

Moving companies are trying harder, as their ads indicate, to make it easier on the customer, and competition among them, along with government regulations, has helped reduce problems. But according to a Christian Science Monitor report, there are problems with the carriers in an estimated 20 to 25 percent of moves. Consumers Union said problems it reported in the 1960's, still exist "to an alarming degree," and a member of the Interstate Commerce Commission said the situation is at "a crisis stage."

Starting next year, the ICC will require annual reports from carriers on the percentage of on-time and late deliveries, variations from estimates on costs and data on damage claims. The information must be available to consumers, who also will receive questionnaires to send to the ICC to check on the accuracy of the companies' figures. Sen. Mondale wants to go further than that. He has introduced a bill requiring carriers to submit reports covering a wider range of information, to submit actual numbers instead of percentages and to send in the reports four times a year. It would also require the 20 largest carriers to give to customers information not only on their own companies, but comparisons with the other 19 companies' figures.

Moving companies might well object to all the extra paper work involved, and, as Charles Coon, president of the American Movers Conference, said, the figures might be subject to misinterpretation. Coon also commented that he isn't sure all that information would help the consumer, and he asserted that the remedies don't get at the problem. But if they don't, perhaps some of the Department of Transportation's proposals would deal more directly with the trouble: The department wants moving companies to pay penalties for failure to meet delivery times and for the customer not to have to pay more than 10 percent above the mover's original estimate. By comparison, Mondale's proposals, which don't give the consumer anything more than information, are mild and, it seems to us, not unreasonable.

## A BILL TO SAVE LIVES AND ENERGY

Mr. PERCY. Mr. President, on Thursday, May 30, 1974, I was joined by my colleagues Senator RANDOLPH, Senator STAFFORD, and Senator WEICKER in introducing S. 3556, the Highway Energy Conservation and Safety Act of 1974. Our bill would conserve energy and save lives by extending indefinitely the 55 miles per hour speed limit on the Nation's highways. The text of S. 3556 was not printed in the CONGRESSIONAL RECORD on May 30, and I ask unanimous consent that it be printed now in the RECORD.

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

S. 3556

*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 "Highway Energy Conservation and Safety Act of 1974".

SEC. 2. (a) Chapter 1 of title 23 of the United States Code, relating to highways, is amended by inserting at the end thereof a new section as follows:

"§ 154. National maximum speed limit

"(a) The Secretary of Transportation shall not approve any project under section 106 in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of 55 miles per hour, and (2) a speed limit for all types of motor vehicles other than 55 miles per hour on any portion of any public highway within its jurisdiction of four or more traffic lanes, the opposing lanes of which are physically separated by means other than striping, which portion of highway had a speed limit for all types of motor vehicles of 55 miles, or more, per hours on November 1, 1973, and (3) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established—for any vehicle operating under a special permit because of any weight or dimension of such special permit because of any weight or dimension of such vehicle, including any load thereon. Clauses (2) and (3) of this subsection shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

"(b) As used in this section the term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

"(c) Notwithstanding the provisions of section 120 sums apportioned to any State under section 104 shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing

occurs or has occurred after November 1, 1973.

"(d) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate State official that complies with this section."

(b) The analysis of such chapter 1 is amended by inserting at the end thereof the following:

"154. National maximum speed limit.".

SEC. 3. Section 2 of the Emergency Highway Energy Conservation Act is repealed.

## OVERSEAS TROOP DEPLOYMENT

Mr. NUNN. Mr. President, tomorrow we are scheduled to debate the important question of American overseas troop deployments. I share the hope expressed earlier by Senator STENNIS that we will have a full, frank, and informed exchange on this crucial issue.

To assist in that endeavor, I ask unanimous consent to print in the RECORD editorials published this week by the New York Times and Washington Post which discuss troop withdrawals, particularly as they relate to Europe. Both editorials conclude, in the words of the Times—

That the effort to force substantial withdrawal of American troops from Europe and other areas overseas is the wrong battle in the wrong place at the wrong time.

I urge my colleagues to review these useful comments in anticipation of tomorrow's discussion.

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

[From the New York Times, June 5, 1974]

U.S. TROOPS IN EUROPE

Senator Mike Mansfield's renewed effort to force substantial withdrawal of American troops from Europe and other areas is the wrong battle in the wrong place at the wrong time.

The Senate floor is the wrong place for this decision to be taken because the issue is now under negotiation in Vienna between the NATO and Warsaw Pact powers in an effort to bring about Soviet as well as American troop cutbacks. There are now 460,000 Soviet ground troops on the central front in Europe, compared with 193,000 Americans. Warsaw Pact troops outnumber NATO's ground forces in this area 925,000 to 770,000.

An over-all NATO-Warsaw Pact reduction to 700,000 on each side, as proposed by the West—with the bulk of the Western reduction to be taken in American forces—would assure stability as well as the reduction in defense spending desired in both East and West. But unilateral American withdrawals now would clearly be destabilizing. They would lower the nuclear threshold, forcing earlier use of atomic weapons in a conflict. They could lead to the nuclearization or the "Finlandization" of West Europe—or both.

This is the wrong time as well for the Mansfield amendment. West Europe's political stability and economic health are shakier today than at any time since the Marshall Plan days more than two decades ago. Governments have fallen in Britain, West Germany, France and Italy in recent months. The new leaders may do better than the old, but that is not yet certain. The Common Market is stalled. Relations with the United States have been badly strained. A major effort by Washington is needed to pull the Atlantic community back together again before disintegration goes further. Unilateral weakening of West Europe's security would frustrate this effort before it could begin.

Above all, Senator Mansfield's long struggle, extending over eight years, is the wrong battle for the majority leader and his supporters to be waging at all. The battle to bring back American troops from Europe, an area where American interests are truly vital, was spurred initially by American balance-of-payments deficits and Europe's surpluses. The oil price increase and other factors have reversed the situation. American payments are in surplus, while most of West Europe is headed toward a disastrous deficit. West Germany, which is also in surplus, is offsetting the dollar costs of American forces there.

The extraordinary notion has been propounded that the presence of American troops abroad brings about American involvement in war. But there were no American troops in Europe before World War I or World War II—or in Korea before the involvement there. On the contrary, the presence of American troops in Europe since World War II has helped provide an almost unprecedented 29 consecutive years of European peace. Their withdrawal would be a step into the unknown.

Senator Mansfield's latest argument is that the troops withdrawn from Europe and Asia could be demobilized, reducing the defense budget by $1 billion a year. But United States armed forces already are half-a-million fewer than pre-Vietnam and 1.2 million fewer than those the Soviet Union maintains. There are ways in which defense spending can and should be reduced. But shotgun legislation aimed at American military manpower overseas would be the worst way now to go about that task.

[From the Washington Post, June 3, 1974]

A STEADY COURSE FOR EUROPE

This is a bad time for the Senate to heed the annual call of Sen. Mike Mansfield (D-Mont.) to legislate a large unilateral cut in the 300,000-man American force in Europe. With the Mideast mercifully receding as an issue in separating the Atlantic nations, it would be unwise to subject NATO to a harsh new blow affecting not only the quality of Atlantic relations but the security of the Alliance. Then, East-West talks on reducing forces in East and West Europe are proceeding in Vienna. For the United States alone to pull the plug on West Europe, even as the talks have proven to be an effective vehicle for Allied consultation and joint East-West exploration of the complex issues involved, would be, we believe, little short of desertion. Moreover, Mr. Nixon is about to go to Moscow: he is enough in the soup for reasons of his own making to make eminently unwise a move further reducing the general authority he brings to the summit.

The European allies can, indeed, be vexing critters. All too often they fail to act on what would seem to be their own self-interest in making it easier for the United States to remain a faithful ally—although recently, it should be noted, the Germans have taken major steps in one sensitive area, offsetting the dollars lost by the United States in keeping its troops in Germany. The question, however, is whether the United States can afford to indulge the fatigue and irritation which Europeans sometimes induce. We believe the answer is, no. The Atlantic relationship remains this country's fundamental overseas tie, strengthened by links of culture and tradition. But it is sustainable only by constant attention to Europe's welfare and independence. Europe came out of World War II devastated and unable thereafter to care adequately for itself in the big-power world. This is at once Europe's burden and our own. It makes it all the more necessary for the United States, in such a critical matter as the presence of military forces, to act in concert with Europe and not by itself.

Sen. Mansfield quite properly believes that the level of our forces in Europe ought to reflect the improvements in political relations which travel under the general name of detente. Detente can proceed, however, only if Europeans have the confidence which those forces impart. There is nothing magical militarily about a given level of forces, but there is something "magical" politically: the current level has come to represent the steadiness of the American guarantee. It is psychological, but psychology, after all, is central to politics.

Soviet-American detente, as the Europeans well know, is still in an early and tentative state. Europeans can also see that the SALT talks, which compose the basic framework of their security, are in a particularly tentative state. The economic uncertainties bred by world inflation add to European anxieties. In such circumstances, it is really quite wrong to look at the U.S. troop level in Europe as though it were the only card in play. In the absence of a decision to demobilize any troops brought home, morever, a strong case can be made for leaving them in Europe, where they do double duty, political as well as military.

The House turned down a Mansfield-type amendment the other day by a substantial margin. We hope the Senate will do the same. This is a good time to tell the world we are seeking a steady course—and to tell ourselves.

## SPORTS PROVISION OF COPYRIGHT REVISION BILL, S. 1361

Mr. HUGH SCOTT. Mr. President, in the last several weeks I have placed in the RECORD the comments of Bowie K. Kuhn, the commissioner of baseball, and Pete Rozelle, the commissioner of the National Football League, which outline their viewpoints on the sports provision of the copyright revision bill, S. 1361.

Today I would like to insert materials forwarded to me by Don V. Ruck, vice president of the National Hockey League, that reflect an alternative approach to the sports section of S. 1361.

I commend Mr. Ruck's memorandum to each Senator's attention. I ask unanimous consent for it to be printed in the RECORD.

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

COPYRIGHT BILL (S. 1361): THE SPORTS-CABLE PROVISION (§ 111(c)(2)(C)

The provision now contained in the copyright bill dealing with the rights of cable television to show sporting events has come under considerable—and often unwarranted—criticism from the cable industry. Professional sports leagues do not wish to deprive unnecessarily sports fans from being able to watch professional sports, nor do the leagues wish to generally deprive cable television from retransmitting these events. In fact, the sports leagues welcome increased exposure of their respective sports, provided this exposure does not have a harmful effect upon the teams.

PROPOSED ALTERNATIVE TO SECTION 111(C)(2)(C)

In a sincere effort to accommodate the cable industry and its viewers, the National Hockey League and other professional sports support an alternative to the provision as it now stands. Under this alternative CATV could retransmit under a compulsory license all sporting events except under the following circumstances:

(1) Retransmitting the same sport into a 75-mile radius around the home site of the major league team.

(2) Retransmitting the same sport into a 20-mile radius around the home site of a

minor league team on the day that such team is playing at home.

(3) Retransmitting the same sport into an approximate 35-mile radius around a broadcasting station on the same day such station is broadcasting a sporting event under a local or regional network.

Even these restrictions would not apply to:

(1) nationally distributed broadcasts, unless prohibited to all television in the home team market.

(2) all cable systems established on or before March 31, 1972 (the date of the FCC rule making with respect to cable transmissions).

In the opinion of sports, this alternative proposal answers all major objections which have been advanced by cable television interests. The proposal greatly expands CATV's right to import distant signals and television markets across the country. The absolute terms of the provision in the present bill are eliminated.

WHAT VIEWERS WOULD BE LIMITED?

The only cable viewers who would be limited in their access to CATV retransmissions of sporting events are those who live in and around large cities with major league teams (which cities are serviced by at least the three major TV networks) and, to a lesser extent, those viewers who live in and around smaller cities which have a minor league professional sporting team, if that team is playing at home or in and around cities which receive games under a regional or local network on the same day such games are on the air. In other words, the vast majority of the areas of the country would in no way be affected. Even in those affected minor league and local areas, only a small amount of TV time is limited.

The restrictions on CATV in and around major and minor league cities are even further diluted, since nearly three thousand cable systems would be allowed to continue their operations in the present form under the "grandfather" provision of the alternative.

WHY PROTECT MAJOR AND MINOR LEAGUE TEAMS?

At first glance, it may be difficult to understand why major league teams need total protection from cable television transmissions when the home team is not playing at home. However, when the issue is more closely analyzed, the answer is apparent. A major league team or league sells the rights to televise its games to a TV broadcaster. The sale price of these contract rights is dependent upon the number of viewers which will watch the programs—in other words, the TV ratings. If an over-the-air broadcast station televises games of a team once or twice a week and cable television imports other games of the same team, or games of other teams, or more popular games, market saturation results. This will necessarily have a significant impact upon the value of the over-the-air TV broadcasts, thus, the price which a team or league will get for the over-the-air TV broadcast will be lower. In addition, an overabundance of a sport on TV reduces public interest in going to home games. In short, the protection is necessary to protect TV contracts and sports interests from unintended and unwarranted overexposure.

In the case of some professional sports, the minor leagues play a vital role in the overall system of the sport. If CATV were allowed to freely bring major league games into a city at the same time that the minor league team is playing at home, it would greatly injure the home town team. The only limitation placed on cable under the proposed alternative is against games of the same sport being brought in on the day of a home game.

There is another significant point which should be emphasized. Under the bill, CATV always has the right to negotiate a contract with the team or league involved if CATV is otherwise limited from showing the event. It is shortsighted to think that professional sports will ignore this important source of revenue in those cases where they feel that it will not otherwise be harmful to the sport.

Having to negotiate in some cases merely puts CATV in the same position as over-the-air television broadcasters. It is easy to overlook the fact, when dealing with this complicated issue, that broadcast television must reach an agreement with a team or a league in order to be able to broadcast the sport. It is a well-recognized principle of law that rights are vested in the one responsible for putting on the show. CATV is obtaining rights under the present bill that broadcast stations do not have.

DON'T THE ROYALTIES COMPENSATE FOR LOSSES?

It can be argued that the royalty fees that would be paid by CATV would make up any losses from TV contracts and gate receipts. The compulsory licensing fee will not eliminate the injury to the property right holder (as it does in most copyright cases). If the Philadelphia Flyers' games are brought into Washington, it is the Flyers who will be compensated rather than the injured party, the Washington Capitals. Either the Flyers and the Capitals, or the League, must work out a payment schedule—thereby running a very definite anti-trust risk.

WHY NOT REFER THE MATTER TO THE FCC?

It has been suggested by some that this issue should be delegated to the FCC. Obviously, this is one of the easiest approaches for the Judiciary Committee to take under the circumstances. However, while professional sports has the greatest respect for the FCC and its able membership, Congress should squarely face the issue. The issue is far too important for the future of over-the-air TV broadcasting, CATV, professional sports, and many other concerned parties to be left hanging. Administrations and the membership of the FCC will change from time to time. With each change there will be pressure to also change the regulations with respect to cable transmissions. Therefore, Congress should give certainty to the future of the parties involved by acting now and not by delegating it to a Federal agency.

CONCLUSION

The leagues have made many concessions in the alternative now being proposed. Nonetheless, they are willing to do so in order to solve this most difficult, complex question. Millions of Americans derive great pleasure and enjoyment from the events staged by professional sporting teams. Yet, these teams are all operated on a very financially delicate balance. Most operate at a deficit. The minimum protection contained in the alternative proposal will at least insure that the public will continue to be able to enjoy professional sports—and, at the same time, allow CATV to give their viewers a full program of sporting events.

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## ECONOMIC DISENGAGEMENT FROM VIETNAM

Mr. KENNEDY. Mr. President, I would like to draw to the attention of all Senators an incisive and important article published today in the New York Times by our distinguished colleague from Minnesota, Senator HUMPHREY, on the question of our Nation's continuing and massive aid expenditures in Vietnam.

The Congress will soon vote on various bills that may authorize up to $3.67 billion in economic and military aid to South Vietnam this fiscal year. Yet, as Senator HUMPHREY writes, we "are asked to vote for these large sums without being told when this large-scale spending will be phased down or terminated."

The point emphasized by Senator HUMPHREY that our aid dollars do too little in directly rebuilding or rehabilitating the ravages of war in Vietnam, is fully confirmed in the findings of the study mission report issued in January by the Subcommittee on Refugees, which I serve as chairman. The thinking of a wartime bureaucracy, preoccupied with weapons delivery and how to maximize American influence and presence, still dominates our policies and programs in Vietnam—despite the new conditions, the ceasefire agreements, and the first opportunity we have had in over a decade to change the character and level of our continuing involvement.

Our true remaining obligations in Indochina are today less with governments and armies, than with people—the millions of war victims who cry out for peace and relief. It is time for the Congress to act to make these obligations our budget priorities as well.

Mr. President, I commend Senator HUMPHREY for his excellent statement, and I ask unanimous consent that the text of his article be printed in the RECORD.

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

[From the New York Times, June 5, 1974]

ECONOMIC DISENGAGEMENT FROM VIETNAM

(By Hubert H. Humphrey)

WASHINGTON.—The signing of the Paris peace agreement in January, 1973, marked the official termination of direct American combat involvement in Vietnam. Since then, the United States Government has committed approximately $2.3 billion in economic and military assistance to Vietnam.

It is clear that the Nixon Administration has failed to develop any rational plan for economic disengagement from Vietnam. In the absence of such a plan, the Congress is faced in fiscal 1975, which begins July 1, with Administration requests for military assistance to South Vietnam totaling $1.6 billion and economic assistance of nearly $750 million.

The House has cut the military-spending ceiling back to $1.126 billion—the same level as that for the current fiscal year—and the Senate Armed Services Committee has recommended $900 million.

These spending requests both distort our aid priorities in other places around the globe and go beyond our proper obligation to assist in the rebuilding of a war-shattered Indochina.

The question to be faced by the Administration and the Congress is whether our economic and military aid helps South Vietnam come to grips with its political, economic and military problems.

The money may buy some time. But it will not buy peace. Nor will it solve Vietnam's raging inflation, balance-of-payments problems and other grievous economic ills. In fact, our billions will not assure South Vietnam military victory in its struggle with the Vietcong and the North Vietnamese in the absence of a political settlement.

Members of Congress are asked to vote for these large sums without being told when this large-scale spending will be phased down or terminated. There seems to be no plan for long-time economic recovery and rehabilitation. But I, and many other members of Congress, will find it difficult to support the Administration's economic-aid proposal for Indochina in fiscal 1975 until a

specific plan is developed for economic rehabilitation and development—a plan that gives us a timetable for ending our economic assistance and some idea of the total cost.

The fact is that American aid dollars flowing to Vietnam, though officially committed to "postwar reconstruction," do little in directly rebuilding and rehabilitating that country.

Of the more than $300 million provided to Vietnam this fiscal year in the category of Indochina postwar reconstruction, over $200 million went to a commercial import program that provided Saigon with commodities to keep the economy afloat. At least a third—if not more—of the local currency generated by this import program went for military purposes rather than development.

Although a healthy Vietnamese economy is surely a key ingredient of postwar recovery and political stability, the American people should realize that the vast majority of their aid is going for general economic support—the purchase of supplies and commodities—and is not directly alleviating human suffering or rebuilding industries, homes, schools, hospitals or improving agriculture.

In a similar fashion, $250 million in American food aid to South Vietnam in fiscal 1974, under the terms of our Food for Peace program, was resold by the Government to its people and the local currency generated was used for military purposes. This type of transaction shows that American aid priorities in Vietnam are overwhelming military.

In 1973, 42 per cent of the entire Vietnamese military budget was provided through local currencies generated by sales under the Food for Peace law and the American commodity-import program. Statistics for fiscal year 1974 show that nearly 45 per cent of our total Food for Peace program goes to Indochina. It is not sound policy to have nearly half of our much-diminished food-aid supply committed solely to this one region while other areas of the world are experiencing widespread famine.

In a similar fashion, our foreign-economic-assistance program to Africa, Asia and Latin America is being cut annually while assistance to Vietnam grows. Our foreign aid dollars would be much better used to increase food production and help eradicate abysmal poverty and disease in the poorest countries. This is what the Congress and the country want.

I know that the American people would support humanitarian assistance to the people of Indochina who have suffered through years of war. We have a moral obligation to help. But the peacetime reconstruction of Vietnam and Cambodia is a world apart from the general economic support we now provide to governments locked in unending political and military struggles with insurgent forces.

I am not unmindful of the guerrilla warfare and open attacks of the Vietcong and the North Vietnamese. We assured South Vietnam in the agreements that lost weapons would be replaced on a one-to-one basis. But these agreements also committed all parties to a political settlement. This part of the agreement seems to be getting too little attention.

I am not proposing that we abandon these nations. But I am proposing that our Government give Congress and the people a plan of action—a program with priorities defined, goals to be attained and a timetable for accomplishment. Until the United States develops a rational plan for economic disengagement from Indochina, much of our aid will only delay the inevitable political settlements that must be negotiated if true economic development is to occur.

## WORLD HUNGER ACTION COALITION

Mr. PERCY. Mr. President, earlier this year I predicted that by June the energy crisis would be overshadowed by the food crisis. A continuing series about world hunger on the NBC "Nightly News" and the recent CBS "Reports" program on the dimensions and consequences of worldwide food shortages regret fully indicate the degree to which my prediction has come true.

Scarcely a day goes by without publication of another front-page newspaper story or a lead story in a major magazine about the threat of famine on a massive scale in some part of the world. In addition, the Food and Agriculture Organization this week issued a report estimating a food gap of 85 million metric tons between supply and demand by 1985.

All of this underscores the importance of the U.N.-sponsored World Food Conference scheduled for November. The second meeting of the preparatory committee for the Conference is presently taking place in Geneva. I hope it will be possible for the World Food Conference to forge effective new international programs to promote increased food production and to meet the immediate problem of widespread hunger and malnutrition.

As one of the countries principally responsible for the convening of this conference, the United States must be prepared with specific proposals to deal with the questions of food aid, food reserves, and food production. Under the able direction of Ambassador Edwin C. Martin, a special assistant to Secretary of State Kissinger and coordinator for U.S. participation in the World Food Conference, work is now well underway to develop policies for the conference.

Mr. President, I want to take this opportunity to call the attention of my colleagues to the World Hunger Action Coalition. The distinguished Governor of Pennsylvania, Milton Shapp, and I have the privilege of serving as co-chairmen of a bipartisan advisory commission of elected public officials to the World Hunger Action Coalition.

The World Hunger Action Coalition has been formed by several private organizations which focus on problems of international development or conduct programs to feed the hungry and help develop economies abroad. The coalition's purpose is to stimulate public concern about the problem of hunger and to contribute as much as possible to the success of the World Food Conference. This includes promoting vigorous public debate about alternative ways of solving complex problems for which no easy or simple solutions exist.

All coalition members agree that something must be done about this pressing problem and that the Conference represents the very best possible forum for something to be done. Agreement also exists on the proposition that the success of the conference depends to a great extent on what the United States is prepared to suggest with respect to food aid, food reserves, and food production.

Governor Shapp and I, together with Ambassador Martin and Herbert J. Waters, chairman of the coalition, announced last week the designation of September 22 and 29 as the "National Week of Concern for World Hunger." A nationwide petition drive, organized by the coalition will culminate during this week and hopefully stimulate related activities in many communities.

Mr. President, I ask unanimous consent that the working document of the World Hunger Action Coalition and other materials describing the coalition and its advisory commission be printed in the RECORD.

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

WORKING DOCUMENT OF THE WORLD HUNGER ACTION COALITION

THE COALITION

The World Hunger Action Coalition is a group of Americans drawn together by their concern about ameliorating world hunger.

STATEMENT OF PRINCIPLES

The world is confronted by a food crisis of an unprecedented and long-term character which presents a moral as well as an economic challenge to the U.S. The increasingly widespread shortage of food is aggravated by rapidly escalating prices for fertilizer, petroleum and food itself, which threaten to curtail what is available to hungry people even further. The gap between the well-fed and the underfed is widening; there are more hungry people in the world now than ever in the past. This situation demands immediate reserves.

Since the developed countries, such as the United States, are better off both economically and technologically, and since the consumption patterns stemming from our affluence contribute significantly to the pressure on limited world food supplies, we must take primary responsibility for relieving present and guarding against future scarcity, even to the point of limiting our own escalating standards of living.

In seeking to discharge this responsibility, we must recognize (a) that the right to eat is fundamental to human life, (b) that our own hungry people are an integral part of the world problem, and (c) that any program designed to relieve world hunger must protect the farmer's right to a fair return on his investment and labor as well as the rights of consumers. While assistance to the hungry in the form of food is imperative, food aid is not a substitute for development assistance, especially at the level of the individual villager and farmer.

The Coalition, alarmed at an apparent isolationist trend in the U.S., believes that the developed nations cannot afford, either morally or otherwise, to enlarge the gap between themselves and the less developed countries or to alienate further the poor in their own countries. Cognizant of the fact that we all share a global interdependence and that the resources of the world are finite, we encourage steps, both immediate and long-range, to alleviate the world food problem and the underdeveloped condition of which it is a symptom.

Just as we in the United States once made our farm surpluses available to the needy in the days of abundance, we must now reaffirm that commitment in a time of scarcity. While not neglecting domestic needs, we believe the U.S. should carry out a deliberate and conscious policy of creating food reserves that will help sustain hungry people abroad in the face of the vagaries of weather, crop and price fluctuations, and natural and human disasters.

GOALS

To attack world hunger immediately by stimulating public interest in and action toward (a) sharply increasing food aid through both private and public channels, (b) building up the U.S. component of a worldwide food reserve, and (c) insuring that the U.S. delegation to the World Food Conference in

Rome advocates a policy of sharing national food resources with the hungry.

TARGET: WORLD FOOD CONFERENCE

The World Food Conference, called by the United Nations for Rome in November, 1974, offers an opportunity to plan cooperative action toward minimum world food security, including food aid, disaster relief, and other measures, and to reemphasize the essential link between general economic development and the provision of an adequate diet for all. The success of the Conference will depend on how effectively governments cooperate and, in particular, whether they are willing to turn a proposal already accepted in principle—i.e., the world food reserve—into an effective system of food security.

Moreover, we see the World Food Conference not only as a forum for repairing the more immediate damage done to the most vulnerable of the poor countries by the recent sharp price rises in energy and food, but more importantly as an opportunity to relate these short-term measures to the more basic continuing development problems of alleviating poverty and accelerating social and economic progress toward equitable distribution of the planet's finite resources. It should thus be the occasion to discuss and design a global program that would move far beyond food.

All governments must play a great part in this. The U.S. Government, however, now lacks a formal national policy on world food needs. Therefore, in implementing its stated goal to influence the U.S. delegation and through it the World Food Conference, the Coalition intends:

1. To become a national voice in the formation in the U.S. of a world food policy along the lines described above.

2. To help the American people understand the reality and the severity of the world food crisis.

3. To stimulate public participation in an immediate effort to increase food aid and build up a food reserve.

4. To stress the need to view hunger in the broader context of development, whose ultimate goal is to enhance the quality of human life.

5. To mobilize grassroots support for development assistance to less developed countries.

6. To advocate a policy in the U.S. of greater concrete concern for the poor in America, particularly in areas related to food and nutrition.

7. To insure implementation after the World Food Conference of the policies we hope to see adopted there.

The agenda now envisioned for the World Food Conference—the launching of a world food reserve system, stepped-up food aid, and a worldwide effort to increase food production in the developing countries—seems to us to offer the possibility of moving beyond a rather narrow focus on food to a thorough discussion of the much broader development questions, of which food is a single but most important aspect. The Conference will not be a culmination, but a beginning of concerted solutions to the moral and economic problem of a world increasingly divided between the very rich and the very poor, between the satiated and the hungry. The matter is one of justice and equity.

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PRESS RELEASE—AFFHF

Establishment of a World Hunger Action Coalition was announced today by Herbert J. Waters, President of the American Freedom from Hunger Foundation.

Waters, Washington international food consultant and former Assistant Administrator of AID in charge of the War on Hunger program in the 1960's, said the coalition includes "church groups, private voluntary agencies operating overseas, development-related organizations, farm and cooperative groups, food-oriented business groups, and concerned citizens who feel that the American people must be given greater access to information about the upcoming World Food Conference, the issues involved in it, and the immediate action possibilities relating to them."

"We share a common concern about hunger wherever it exists, at home or abroad; it has no geographic boundaries" emphasized Waters, who has been chosen chairman of the Coalition. He revealed groups primarily involved in domestic hunger concerns were being asked to join the coalition to broaden its scope.

In its working document, the Coalition states "that the world is confronted by a food crisis of an unprecedented and long-term character, which presents a moral, as well as an economic challenge to the U.S." The Coalition's target is the World Food Conference to be held under U.N. auspices in Rome from November 5–16. It maintains regular contact with Ambassador Edwin M. Martin, Coordinator of the U.S. Delegation to this ministerial level conference, which has been scheduled as a result of strong interest expressed by the Conference of Non-Aligned Nations in Algiers last September and by Secretary of State Kissinger in his address to the United Nations General Assembly later that month.

The Coalition includes representatives of CARE, Catholic Relief Services, Church World Service (including CROP), the National Farmers Union, the Overseas Development Council, Church Women United, the YWCA, the American Council of Voluntary Agencies for Foreign Service, the National Council of Churches Crusade against Hunger, Lutheran World Relief, Bread for the World, the Student Advisory Committee on International Affairs, the American Friends Service Committee, Protein Cereal Products International and the World Relief Commission, as well as the American Freedom from Hunger Foundation, which is serving as headquarters.

The non-governmental Coalition will have an Advisory Commission composed of concerned public officials at national, state, and municipal levels. Governor Milton Shapp of Pennsylvania, whose Secretary of Agriculture, James B. McHale, has already been stimulating citizen interest in these matters, has agreed to be Co-Chairman of the Commission.

The Coalition hopes to broaden its roster to include farm producers, leaders of consumer groups, trade unions, groups acting on domestic hunger and poverty, the university community, civic organizations, and interested individuals. It wishes to get the issue of hunger onto the agenda of various national groups, to provide information materials and packets for conferences, meetings, and workshops on this question to stimulate the American public to make immediate contributions to additional food aid to meet the immediate crisis and to a longer-range world food sharing system and to influence the membership and positions of the American delegation to the World Food Conference.

While the Coalition recognizes that the food problem is simply a phase of the long-term development process, it is focusing its attention on this matter because of the short-term, basic threat it represents. Waters emphasized, however, that the Coalition itself does not intend to compete with existing organizations or to raise funds for other than program and administrative costs. It will terminate its activities after the World Food Conference. He expects the American Freedom from Hunger Foundation to carry forward the momentum generated by the Coalition.

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CONCERNED OFFICIALS FORMING ADVISORY GROUP

Governor Milton Shapp of Pennsylvania and Senator Charles H. Percy of Illinois have accepted invitations to become co-chairmen of a bipartisan Advisory Commission to the non-governmental World Hunger Action Coalition, it was announced today by Herbert J. Waters, Coalition chairman and President of the American Freedom from Hunger Foundation.

Emphasizing the growing public and private concern over world food problems, the new WHAC Advisory Commission will be composed of Senators, Representatives, Governors, Mayors, and other elected public officials "who share our concern and our objectives of mobilizing public support" for action to alleviate hunger "wherever it exists," Waters declared.

Both Governor Shapp and Senator Percy have previously exemplified public leadership interest in focusing attention on food and hunger problems.

Senator Percy is ranking Republican member of the Senate's Select Committee on Nutrition and Human Needs and has strongly supported the U.S. asserting a leadership role in the coming UN-sponsored World Food Conference to be held in Rome in November.

Governor Shapp sponsored a major seminar of public and private groups in Pennsylvania last December, the National Conference on Food Policy, aimed at crystallizing national policies geared to coming international problems.

It was among participants in the Hershey food policy conference in Pennsylvania that the new World Hunger Action Coalition was developed, the sponsoring group asking the American Freedom from Hunger Foundation to bring together private individuals and groups sharing a common concern about ameliorating world hunger. Because the Coalition is made up of private organizations and individuals, it invited "concerned elected officials" to assist in its efforts by becoming members of the Advisory Commission to be headed by Governor Shapp and Senator Percy. Their selection reflects the Coalition's desire to show that human problems threatened by the world food situation are a bipartisan concern and should receive attention at local, state, and national governmental levels, as well as at international levels such as the United Nations.

The founding group of the Coalition, representing church groups, private voluntary related organizations, farm and cooperative groups, food-oriented business groups, and individual concerned citizens, are seeking the support and affiliation of more than 200 organizations, as well as individuals, throughout the United States in mobilizing public attention to hunger problems, focusing on the U.S. participation in the World Food Conference.

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## COST OF LIVING INCREASES HIT THE ELDERLY

Mr. HUMPHREY. Mr. President, the recent inflation has worked incredible hardship on our elderly citizens. It is true that social security payments and some pensions have been raised in response to higher consumer prices. But for most of our senior citizens prices are rising much faster than the overall Consumer Price Index. A large proportion of their budget goes for food. In the last year food prices

rose more than 16 percent while the CPI for all items went up 10 percent.

An article which appeared in the Wall Street Journal on June 3, 1974, chronicles the life of a retired couple who have to live on $5,600 a year. As a result of price increases in the last few years, the couple no longer can afford most meat products and must purchase day-old bread and damaged fruits and vegetables.

As the Congress prepares to consider a general tax cut, we should give particular attention to the plight of the elderly. I heartily endorse Senator HUDDLESTON's amendment to H.R. 8217, of which I am a cosponsor, which would increase the retirement credit available to retired taxpayers by a cost-of-living adjustment.

Most of the elderly are not looking for a handout. They have worked hard to earn the pensions and social security which they hoped would provide a comfortable income for their retirement years. Senator HUDDLESTON's proposal would provide some relief to the many retired taxpayers who see the prices they pay rising much faster than the income they receive.

Mr. President, I ask unanimous consent that the Wall Street Journal article by Ray Harris, Jr., be printed in the RECORD.

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

THE COST OF LIVING—WITH $5,684 A YEAR, RETIRED COUPLE'S LIFE IS TEST OF ENDURANCE: HENRY AND GERTRUDE HARFF, BESET BY RISING PRICES, SURVIVE BY BEING FRUGAL; 10-CENT BOOKS AND A $4 COAT

(By Roy J. Harris, Jr.)

McKEESPORT, PA.—Reflecting on the 23 years that he spent as a pipe fitter's helper at U.S. Steel Corp.'s Duquesne Works, Henry Harff matter-of-factly says the experience tested the limits of his endurance.

"It was hard and it was hot and you sweated until you were soaking wet from head to foot," recalls Mr. Harff, who is 72 years old and has been retired for seven years now. If his assignment happened to be repairing the pipes under a massive open-hearth furnace, he says, "you couldn't hardly stay long enough to fit the wrench. You had to get out because you couldn't breathe. In the open, you could have done the job in an hour. But in that hell it was a different thing."

There was danger, too: "If that furnace would break, you'd be a puff of smoke."

The danger and the discomfort of the Duquesne open hearths (all of which have since been replaced by more modern equipment) are just distant, if distinct, memories for Henry Harff. But his endurance is still being tested. Now, he and his 70-year-old wife, Gertrude, like millions of other Americans living on retirement incomes, are laboring hard to keep inflation from destroying their pride, if not their very lives. As Mr. Harff puts it: "You have to keep alert to keep alive."

MAKING ENDS MEET

So far, the Harffs have been able to make ends meet and keep destitution from the doorstep of the yellow and green bungalow built 33 years ago by Mr. Harff in this industrial town a few miles up the Monongahela River from Pittsburgh. Indeed, because the couple receive a monthly pension check of $132 in addition to their $341.70 monthly Social Security payment—a total of $5,684.40 a year—they are more fortunate than those couples who are 65 and older and who live on Social Security alone. (There are currently two million couples aged 65 and over who are receiving Social Security payments. Of this total, 80% receive no additional pension benefits—although they may have income from other sources.)

Henry Harff, however, doesn't view himself as fortunate at all. Rather, he sees himself as the victim of a cruel joke, the irony lying in his current monetary plight after a lifetime of, as he puts it, "going through the mill." Looking back, he says, "If I had it all to do over again, this little 130-pounder wouldn't have gone hunting all the hard work I did. I worked like a jackass all my life."

If Mr. Harff isn't filled with pride about the fruits of his labor, he and Mrs. Harff nevertheless are proud when they consider that they have managed to survive without going into debt. "I'm clean and respected in the community," Mr. Harff says. "I owe no man anything."

INDEPENDENT SPIRIT

The Harff's almost puritanical concern with cleanliness, respect and financial independence is evident after only a few minutes in their house, which stands at the foot of an eroded hill on the outskirts of McKeesport, just across the Monongahela from the Duquesne works. The bungalow's Spartan kitchen and living room are spotless. And conversation with a recent visitor quickly turns to a worrisome subject: the cost of living.

"It seems the older you get, the more you're punished for being old," Mr. Harff muses. "If you find a retiree older than I am, you'll find a beggar."

In their early retirement years, the Harffs countered the shock of losing their $550-a-month working income by restricting—and finally eliminating—such pleasantries as travel and occasional restaurant eating. They also soon discovered that they were unable to save any money at all on their first monthly retirement benefits, which amounted to about $185 in Social Security and $115 in private pension benefits.

KEEPING UP

From 1966 through 1973, the government's consumer price index jumped 36.9%. The Harffs' income, like that of numerous retired Americans, rose at more than twice that rate, largely due to Social Security increases. Mr. Harff's private pension, however, climbed by only 10%. And because their Social Security benefits were so small to begin with, the Harffs' income, even with the increases, is still only slightly more than the median annual income for elderly couples, last figured in 1972 by the Bureau of Labor Statistics at $5,513.

Mr. Harff and his wife have adopted a routine of cashing the pension check, which comes on the 28th of each month, and then combining it with the cash from the Social Security check, which arrives on the 3rd. From this modest kitty, they make their payments and hope to be even by the next time the 28th rolls around.

Since they own their house outright, the Harffs have no rent or mortgage payments to worry about. And while Mr. Harff says that there are school-district, borough and county property taxes totaling "several hundred dollars" a year to be paid, he adds that the couple's chief source of concern is the price of food.

Henry Harff considers fresh fruits and vegetables a necessity for good health. He was therefore elated when a friendly market manager recently offered to sell him spotted apples, bruised tomatoes and other damaged but edible items at a discount. A recent jump in the price of tomatoes to 59 cents a pound—more than double the 25 cents a pound Mr. Harff remembers paying only a few years ago—forced him to look for the special deal, he says.

Some food items have been completely eliminated from the Harffs' shopping list. These include two of Mr. Harff's favorite meats—ham and pork chops. When center-cut chops reached $1.39 a pound last year, he says, the couple started to buy link sausage as a substitute. When that product also climbed to $1.39 a pound, they switched to fattier rolled sausage at 79 cents a pound. The Harffs also buy only day-old bakery items now, since the price of bread jumped to 56 cents for a big loaf, up from 25 cents 18 months ago. The day-old variety sells for half price.

A typical midday meal in the Harff household consists of Braunschweiger sandwiches and a canned vegetable, the latter usually purchased at a discount with the aid of newspaper coupons that are kept stacked under a centerpiece of the kitchen table. Their granddaughter, Trudy Vandervort, visiting with her son, David, observes that "If I ate as much as they did, I'd starve." Gertrude Harff, however, serenely assures her that "we're used to this."

The Harffs' economizing has also involved clothing, and their purchases in this area are currently contingent upon what bargains can be found at a local flea market. Last year, they bought a winter coat for Mrs. Harff for $4, but Mr. Harff points out that the total cost was actually somewhat higher because some alterations were needed. (Even so, Mrs. Vandervort is impressed. "I can't find bargains like that," she tells her grandmother. "They must feel sorry for you.")

Occasionally, the Harffs drive to a nearby shopping center, but it isn't always to shop. "They go up to Zayre's and just watch the people," Mrs. Vandervort says. And even their people-watching isn't a free pleasure, as Mr. Harff reminds his granddaughter, since gasoline now is 56 cents a gallon. Accordingly, Mr. Harff normally only uses his 1966 Chevrolet for short drives to pickup a newspaper or a few grocery items.

Among Mr. Harff's other activities are such physical activities as cutting his own lawn and doing his own gardening, both of which he sees as investments in fitness as well as thrift measures. Both he and his wife enjoy reading and like to have the house filled with books, many of which they purchase for a dime each at a local flea market. And Mr. Harff also sees to it that he gets to attend 10 wrestling matches a year in Pittsburgh—a little luxury (a ticket costs $2.50), but one that he isn't inclined to forgo.

HOW MUCH DOES IT COST?

Almost everything the Harffs do is seen in terms of the money it costs, and this extends to such seemingly inexpensive pursuits as watching over the birds that frequent the couple's backyard. "You know it costs money to feed them," Mr. Harff declares, and with pencil and paper he arrives at a $4-a-month estimate for bread and seed.

This attention to financial detail doesn't extend to all areas of the Harff's expenditures. As a general rule, they simply accept the fact that their total outflow equals their total income. Mr. Harff, however, can cite such specifics as the $480 a year that goes for medicine to treat such infirmities as Mrs. Harff's circulatory problems. The specter of even larger medical expenses— such as a hospital stay that might not be completely covered by insurance—hangs over the couple as a major worry, albeit one they prefer not to ponder too much. (The Harffs are covered by Medicare and Blue Cross insurance, the latter tied into the steelworkers' union retirement system. Together, the two kinds of insurance are supposed to pay full medical costs, but Mr. Harff complains that once when he smashed his finger he had to pay $15 of the $35 bill from the doctor.

To take their minds off any morbid speculation about the future, the Harffs have a major source of present enjoyment: their

family. Indeed, it is readily apparent that their daughter, three grandchildren and two great-grandchildren add a measure of vicarious youth and an abundance of happiness to the elderly couple's days—so much so that all thoughts of budgeting seem to disappear when the youngsters come to call. "If this woman finds out the grandchildren don't have shoes, she'll take money and buy shoes," Mr. Harff says of his wife. And any visit from a family member is likely to prompt a token gift, such as some rhubarb from the yard, some soap powder, or perhaps an item that the Harffs purchased on sale. The great-grandchildren rarely leave the Harffs' house without a few coins clutched in their fists.

"When you've got children, you love them," Mrs. Harff explains. "But when you've got grandchildren, you lose your mind."

A BIT OF RELIEF

The Harffs' financial situation will improve to some extent in July, when a Social Security increase will go into effect, and again in August 1975 when Mr. Harff's monthly pension will be boosted by $26.40 (the result of a recent labor contract addendum affecting past retirees). But even so, he is skeptical about whether he will be able to do more than keep up with the price of food, taxes and other costs.

Today, Mr. Harff wishes that he had had more years of service with U.S. Steel, which would have brought him a heftier pension, or that he had thought more about saving money for his retirement. He sighs when he talks about a friend of his, recently retired steelworker who is receiving far higher benefits from a newer contract and was therefore able to take a vacation trip to Hawaii. "It didn't cost a million," Mr. Harff says, "but it cost quite a bit."

If he and his wife could afford a trip, Henry Harff says, they would go to Europe so that he could visit a cousin in Germany and she could see Holland. If they could save $10 or $20 a week, he muses, they might go. But then he returns to reality: "I can't even dream about that," he says, noting that in seven years they haven't saved a dime.

## THE REALITIES OF POLICE WORK

Mr. BUCKLEY. Mr. President, too often there is a gap between the understanding of the problems of law and order as they are seen by the police and by academicians. Usually—and unfortunately—that gap is allowed to widen until there is misunderstanding and, often, animosity between the two groups. Policemen feel professors of criminology depend too heavily on theory; professors criticize police for not adhering to ideals of law enforcement.

I was gratified, therefore, to come across an excellent and most informative article written by a professor who, in order to discover for himself the realities of crime in the streets, actually became a policeman. The article originally appeared in the FBI Law Enforcement Bulletin, March 1974, and was reprinted in Human Events, March 23, 1974. Mr. President, I request unanimous consent that the full text of the article be printed in the RECORD.

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

A PROFESSOR'S "STREET LESSONS"

(By Dr. George L. Kirkham)

As policemen have come under increasing criticism by various individuals and groups in our society in recent years. I cannot help but wonder how many times they have clenched their teeth and wished they could expose their critics to only a few of the harsh realities which their jobs involves.

Persons such as myself, members of the academic community, have traditionally been quick to find fault with the police. From isolated incidents reported in the various news media, we have fashioned for ourselves a stereotyped image of the police officer which conveniently conforms to our notions of what he is.

We see the brutal cop, the racist cop, the grafting cop, the discourteous cop. What we do not see, however, is the image of thousands of dedicated men and women struggling against almost impossible odds to preserve our society and everything in it which we cherish.

For some years, first as a student and later as a professor of criminology, I found myself troubled by the fact that most of us who write books and articles on the police have never been policemen ourselves. I began to be bothered increasingly by many of my students who were former policemen. Time and again, they would respond to my frequently critical lectures on the police with the argument that I could not possibly understand what a police officer has to endure in modern society until I had been one myself.

Under the weight of this frustration, and my personal conviction that knowledge has an applied as well as a theoretical dimension, I decided to take up this challenge: I would become a policeman myself as a means of establishing once and for all the accuracy of what I and other criminologists had been saying about the police for so long.

UNLIKELY CANDIDATE

Suffice it to say that my announced intention to become a uniformed patrolman was at first met with fairly widespread disbelief on the part of family, friends and colleagues alike. At 31, with a family and an established career as a criminologist, I was surely an unlikely candidate for the position of police recruit. The very idea, it was suggested to me, was outrageous and absurd. I was told that no police administrator in his right mind would allow a representative of the academic world to enter his organization. It had never been done and could not be done. . . .

This skepticism was, however, soon to be overcome. One of my better criminology students at the time was a young police officer on educational leave from the Jacksonville, Fla., Sheriff's Office. Upon learning of my desire to become a police officer in order to better understand the problems of policemen, he urged me to contact Sheriff Dale Carson and Undersheriff D. K. Brown of his department with my proposal.

I had earlier heard other police officers describe the consolidated 800-man force of Jacksonville Duval County, as one of the most progressive departments in the country. I learned that Sheriff Carson and Undersheriff Brown, two former FBI agents, had won considerable respect in the law enforcement profession as enlightened and innovative administrators.

The size and composition of Jacksonville, as well as its nearness to my university and home, made it appear to be an ideal location for what I wished to do.

Numbering just over one-half-million residents, Jacksonville impressed me as being the kind of large and rapidly growing American city which inevitably experiences the major social problems of our time: crime and delinquency, racial unrest, poverty and mental illness.

A seaport and industrial center, Jacksonville offered a diversity of urban suburban and even rural populations in its vast land area, I took particular note of the fact that it contained a fairly typical inner-city slum section and black ghetto, both of which were in the process of being transformed through a massive program of urban redevelopment. This latter feature was especially important to me insofar as I wanted to personally experience the stresses and strains of today's city policemen. It was, after all, he who had traditionally been the subject of such intense interest and criticism on the part of social scientists such as myself.

Much to my surprise, both Sheriff Carson and Undersheriff Brown were not only supportive but enthusiastic as well over my proposal to become a city patrolman.

I made it clear to them at the outset that I did not wish to function as an observer or reserve officer, but rather wanted to become a fully sworn and full-time member of their department for a period of between four and six months. I further stated that I hope to spend most of this period working as a uniformed patrolman in those inner-city beats most characterized by violence, poverty, social unrest and high crime rates. They agreed to this, with the understanding that I would first have to meet the same requirements as any other police candidate.

TOUGH STANDARDS

I would, for example, have to submit to a thorough character investigation, a physical examination, and would have to meet the same training standards applied to all other Florida police officers. Since I was to be unpaid, I would be exempted from department civil service requirements. . . .

For four months, four hours each evening and five nights a week, I attended the Tallahassee area police academy, along with 35 younger classmates. As a balding intellectual, I at first stood out as an oddity in the class of young men destined to become local enforcement officers. With the passage of time, however, they came to accept me and I them. We joked, drank coffee, and struggled through serious examinations and lessons together. At first known only as "the professor," the men later nicknamed me "Doc" over my good-natured protests.

As the days stretched into weeks and the weeks into months, I took the lengthy notes on the interviewing of witnesses at crime scenes, investigated imaginary traffic accidents, and lifted fingerprints. Some nights I went home after hours of physical defense training with my uniformly younger and stronger peers with tired muscles, bruises, and the feeling that I should have my head examined for undertaking such a rugged project.

As someone who had never fired a handgun, I quickly grew accustomed to the noise of 35 revolvers firing at the cardboard silhouettes which our minds transformed into real assailants at the sound of the range whistle.

I learned how to properly make car stops, approach a front door or darkened building, question suspects, and a thousand other things that every modern police officer must know. After what seemed an eternity, graduation from the academy finally came, and with it what was to become the most difficult but rewarding educational experience of my life: I became a policeman. . . .

A BURST BUBBLE

As I write this, I have completed over 100 tours of duty as a patrolman. Although still a rookier officer, so much has happened in the short space of six months that I will never again be either the same man or the same scientist on that first day.

While it is hard to even begin to describe within a brief article the many changes which have occurred within me during this time, I would like to share with fellow policemen and colleagues in the academic community a few of what I regard as the more important of what I will call my "street lessons."

I had always personally been of the opinion that police officers greatly exaggerate the amount of verbal disrespect and physical abuse to which they are subjected in the line

of duty. During my first few hours as a street officer, I lived blissfully in a magic bubble which was soon to burst.

As a college professor, I had grown accustomed to being treated with uniform respect and deference by those I encountered. I somehow naively assumed that this same quality of respect would carry over into my new role as a policeman.

I was, after all, a representative of the law, identifiable to all by the badge and uniform I wore as someone dedicated to the protection of society. Surely that fact would entitle me to a measure of respect and cooperation—or so I thought. I quickly found that my badge and uniform, rather than serving to shield me from such things as disrespect and violence, only acted as a magnet which drew me toward many individuals who hated what I represented.

I had discounted on my first evening the warning of a veteran sergeant who, after hearing that I was about to begin work as a patrolman, shook his head and cautioned, "You'd better watch yourself out there, Professor! It gets pretty rough sometimes!" I was soon to find out what he meant.

FIRST ENCOUNTER

Several hours into my first evening on the streets, my partner and I were dispatched to a bar in the downtown area to handle a disturbance complaint. Inside, we encountered a large and boisterous drunk who was arguing with the bartender and loudly refusing to leave. As someone with considerable experience as a correctional counselor and mental health worker, I hastened to take charge of the situation.

"Excuse me, sir," I smiled pleasantly at the drunk, "but I wonder if I could ask you to step outside and talk with me for just a minute?" The man stared at me through bloodshot eyes in disbelief for a second, raising one hand to scratch the stubble of several days growth of beard. Then suddenly, without warning, it happened. He swung at me, luckily missing my face and striking me on the right shoulder.

I couldn't believe it. What on earth had I done to provoke such a reaction? Before I could recover from my startled condition, he swung again—this time tearing my whistle from a shoulder epaulet. After a brief struggle, we had the still shouting, cursing man locked in the back of our cruiser. I stood there, breathing heavily with my hair in my eyes as I surveyed the damage to my new uniform and looked in bewilderment at my partner, who only smiled and clapped me affectionately on the back.

"Something is very wrong," I remember thinking to myself in the front seat as we headed for the jail. I had used the same kind of gentle, rapport-building approach with countless offenders in prison and probation settings. It had always worked so well there. What was so different about being a policeman? In the days and weeks which followed, I was to learn the answer to this question the hard way.

As a university professor, I had always sought to convey to students the idea that it is a mistake to exercise authority, to make decisions for other people, or rely upon orders and commands to accomplish something. As a police officer myself, I was forced time and again to do just that.

For the first time in my life, I encountered individuals who interpreted kindness as weakness, as an invitation to disrespect or violence. I encountered men, women and children who, in fear, desperation, or excitement, looked to the person behind my blue uniform and shield for guidance, control and direction. As someone who had always condemned the exercise of authority, the acceptance of myself as an unavoidable symbol of authority came as a bitter lesson.

I found that there was a world of difference between encountering individuals, as I had, in mental health or correctional settings and facing them as the patrolman must: when they are violent, hysterical, desperate.

When I put the uniform of a police officer on, I lose the luxury of sitting in an air-conditioned office with my pipe and books, calmly discussing with a rapist or armed robber the past problems which had led him into trouble with the law. Such offenders had seemed so innocent, so harmless in the sterile setting of prison. The often terrible crimes which they had committed were long since past, reduced like their victims to so many printed words on a page.

Now, as a police officer, I began to encounter the offender for the first time as a very real menace to my personal safety and the security of our society. The felon was no longer a harmless figure sitting in blue denims across my prison desk, a "victim" of society to be treated with compassion and leniency. He became an armed robber fleeing from the scene of a crime, a crazed maniac threatening his family with a gun, someone who might become my killer crouched behind the wheel of a car on a dark street.

Like crime itself, fear quickly ceased to be an impersonal and abstract thing. It became something which I regularly experienced. It was a tightness in my stomach as I approached a warehouse where something had tripped a silent alarm. I could taste it as a dryness in my mouth as we raced with blue lights and siren toward the site of a "Signal Zero" (armed and dangerous) call. For the first time in my life, I came to know—as every policeman knows—the true meaning of fear. Through shift after shift it stalked me, making my palms cold and sweaty, and pushing the adrenalin through my veins.

I recall particularly a dramatic lesson in the meaning of fear which took place shortly after I joined the force.

My partner and I were on routine patrol one Saturday evening in a deteriorated area of cheap bars and pool halls when we observed a young male double-parked in the middle of the street. I pulled alongside and asked him in a civil manner to either park or drive on, whereupon he began loudly cursing us and shouting that we couldn't make him go anywhere. An angry crowd began to gather as we got out of our patrol car and approached the man, who was by this time shouting that we were harassing him and calling to bystanders for assistance.

NEVER BACK DOWN

As a criminology professor, some months earlier I would have urged that the police officer who was now myself simply leave the car double-parked and move on rather than risk an incident. As a policeman, however, I had come to realize that an officer can never back down from his responsibility to enforce the law.

Whatever the risk to himself, every police officer understands that his ability to back up the lawful authority which he represents is the only thing which stands between civilization and the jungle of lawlessness.

The man continued to curse us and adamantly refused to move his car. As we placed him under arrest and attempted to move him to our cruiser, an unidentified male and female rushed from the crowd which was steadily enlarging and sought to free him. In the ensuing struggle, a hysterical female unsnapped and tried to grab my service revolver, and the now angry mob began to converge on us.

Suddenly, I was no longer an "ivory-tower" scholar watching typical police "overreaction" to a street incident—but I was part of it and fighting to remain alive and uninjured. I remember the sickening sensation of cold terror which filled my insides as I struggled to reach our car radio. I simultaneously put out a distress call and pressed the hidden electric release button on our shotgun rack as my partner sought to maintain his grip on the prisoner and hold the crowd at bay with his revolver.

How harshly I would have judged the officer who now grabbed the shotgun only a few months before. I rounded the rear of our cruiser with the weapon and shouted at the mob to move back.

The memory flashed through my mind that I had always argued that policemen should not be allowed to carry shotguns because of their "offensive" character and the potential damage to community relations as a result of their display.

How readily as a criminology professor I would have condemned the officer who was now myself, trembling with fear and anxiety and menacing an "unarmed" assembly with an "offensive" weapon. But circumstance had dramatically changed by perspective, for now it was *my* life and safety that were in danger, *my* wife and child who might be mourning. Not "a policeman" or Patrolman Smith—but *me*, George Kirkham!

I felt accordingly bitter when I saw the individual who had provoked this near riot back on the streets the next night, laughing as though our charge of "resisting arrest with violence" was a big joke. Like my partner, I found myself angry and frustrated shortly afterward when this same individual was allowed to plead guilty to a reduced charge of "breach of peace."

As someone who had always been greatly concerned about the rights of offenders, I now began to consider for the first time the rights of police officers.

As a police officer, I felt that my efforts to protect society and maintain my personal safety were menaced by many of the very court decisions and lenient parole board actions I had always been eager to defend.

An educated man, I could not answer the questions of my fellow officers as to why those who kill and maim policemen, men who are involved in no less honorable an activity than holding our society together, should so often be subjected to minor penalties. I grew weary of carefully following difficult legal restrictions, while thugs and hoodlums consistently twisted the law to their own advantage.

VICTIMS' RIGHTS

I remember standing in the street one evening and reading a heroin "pusher" his rights, only to have him convulse with laughter halfway through and finish reciting them, word for word, from memory. He had been given his "rights" under the law, but what about the rights of those who were the victims of people like himself? For the first time, questions such as these began to bother me.

As a corrections worker and someone raised in a comfortable middle-class home, I had always been insulated from the kind of human misery and tragedy which become part of the policeman's everyday life. Now, the often terrible sights, sounds and smells of my job began to haunt me hours after I had taken the blue uniform and badge off.

* * * * *

I began to become watchful of who and what was around me as things began to acquire a new meaning: an open door, someone loitering on a dark corner, a rear license plate covered with dirt. My personality began to change slowly, according to my family, friends and colleagues as my career as a policeman progressed. Once quick to drop critical barbs about policemen to intellectual friends, I now became extremely sensitive about such remarks—and several times became engaged in heated arguments over them.

As a police officer myself, I found that society demands too much of its policemen: not only are they expected to enforce the law, but to be curbside psychiatrists, marriage counselors, social workers, and even ministers and doctors. I found that a good street officer combines in his daily work splinters of each

of these complex professions and many more. Certainly it is unreasonable for us to ask so much of the men in blue; yet we must, for there is simply no one else to whom we can turn for help in the kind of crises and problems policemen deal with. No one else wants to counsel a family with problems at 3 a.m. on Sunday; no one else wants to enter a darkened building after a burglary; no one else wants to confront a robber or madman with a gun. No one else wants to stare poverty, mental illness and human tragedy in the face day after day, to pick up the pieces of shattered lives.

As a policeman myself, I have often asked myself the questions: "Why does a man become a cop?" "What makes him stay with it?" Surely it's not the disrespect, the legal restrictions which make the job increasingly rough, the long hours and low pay, or the risk of being killed or injured trying to protect people who often don't seem to care.

The only answer to this question I have been able to arrive at is one based on my own limited experience as a policeman. Night after night, I came home and took off the badge and blue uniform with a sense of satisfaction and contribution to society that I have never known in any other job. Somehow that feeling seemed to make everything—the disrespect, the danger, the boredom—worthwhile.

For too long now, we in America's colleges and universities have conveyed to young men and women the subtle message that there is somehow something wrong with "being a cop." It's time for that to stop.

This point was forcibly brought home to me one evening not long ago. I had just completed a day shift and had to rush back to the university with no chance to change out of uniform for a late afternoon class. As I rushed into my office to pick up my lecture notes, my secretary's jaw dropped at the sight of the uniform.

"Why, Dr. Kirkham, you're not going to go to class looking like *that*, are you?" I felt momentarily embarrassed, and then struck by the realization that I would not feel the need to apologize if I appeared before my students with long hair or a beard. Free love advocates and hate-monger revolutionaries do not apologize for their group memberships, so why should someone whose appearance symbolizes a commitment to serve and protect society?

"Why not," I replied with a slight smile. "I'm proud to be a cop!" I picked up my notes and went on to class.

Let me conclude this article by saying that I would hope that other educators might take the trouble to observe firsthand some of the policeman's problems before being so quick to condemn and pass judgment on the thin blue line.

We are all familiar with the old expression which urges us to refrain from judging the worth of another man's actions until we have walked at least a mile in his shoes. To be sure, I have not walked that mile as a rookie patrolman with barely six months' experience. But I have at least tried the shoes on and taken a few difficult steps in them.

Those few steps have given me a profoundly new understanding and appreciation of our police, and have left me with the humbling realization that possession of a Ph. D. does not give a man a corner on knowledge, or place him in a lofty position where he cannot take lessons from those less educated than himself.

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## SENATOR MONTOYA ADDRESSES BILINGUAL EDUCATION CONFERENCE

Mr. CRANSTON. Mr. President, Senator JOSEPH M. MONTOYA is one of the Congress foremost advocates of bilingual/bicultural education and an acknowledged expert in the field.

On May 15, Senator MONTOYA addressed the International Conference on Bilingual-Bicultural Education in New York City, and delivered one of the most comprehensive assessments of bilingual-bicultural education I have seen. I ask unanimous consent that Senator MONTOYA's remarks, on "Meeting the Total Educational Need," be printed in the RECORD.

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

STATEMENT BY JOSEPH M. MONTOYA

It is always good to have the opportunity to meet with friends—and those of you here today are old friends, special friends. Some of you were in San Antonio when I spoke to the Civil Rights Commission recently. Some of you were in Albuquerque when I addressed the National Institute on Bilingual Bicultural Education. Some of you were in Washington last year to testify before the Education Committee on the need for more and better federal support for bilingual programs and teacher training.

All of you belong to a very special group—a group of which I am proud to be a member. We are people who believe in the value of education, but beyond that, we are people who understand the value and importance of language and culture to education.

That sounds like a paradox—it is hard to see how anyone who claims to be a teacher or an educator would not understand the basic importance of language to education. How can anyone teach if he cannot communicate? How can a child learn if he cannot understand?

But those of us who have tried to explain the value and the need for bilingual education know that there are teachers and educators all over this nation who do not understand that very basic need for understanding. They have never accepted the clear and obvious fact that the language-minority children of America are shut out of education in most schools because their teachers do not understand them and cannot communicate with them.

It was necessary for the Supreme Court to point out in its historic decision last year that "students who do not understand English are effectively foreclosed from any meaningful education." That seems obvious—yet we know that only a small group of teachers and men and women in government had recognized that very simple fact until recently.

We know that for millions of children the words "school" and "education" are a charade, a trap, and a false and cruel pretense. Calling a building a "school" does not make it a place of education. Calling what happens to a Puerto Rican child or a Mexican-American child or a Chinese child in that school building an "equal chance at learning" does not make it either an equal chance *or* learning.

For these minority language children those words are a myth. The theory that in a free country all children receive a free public school education is a myth—these are myths which many teachers and many educators and many taxpayers hate to give up. We Americans have always been proud of the education system, and it is hard to face up to our failure or the depth of our neglect of any of our own children.

That is what makes this group so very special. You are representative of those who have faced the truth about education for minority children in America, and have tried to do something about it. You have had the courage to break through the myths to the truths.

It is because of you, and men and women like you, that we have uncovered the facts, developed the statistical base, and begun to understand the economic and sociologic impact of language and cultural differences in our society.

It is because of you that we have begun to develop the bilingual bicultural demonstration programs which will someday open education to our minorities.

It is because of you that we are *ready* to begin the real fight for equality of opportunity at every level of education and in every place in the nation.

We all know the story of the little boy who, all alone, was honest enough to point out that the Emperor had no clothes, when all the other members of the Court and the populace were willing to accept the myth of the Emperor's new suit. Well, you are like that little boy—you have honestly reported the non-existence of education for a great many American children. But you have done more than that—you have begun to manufacture a *real* suit of clothes to replace the non-existent mythical suit everyone else pretended to admire.

That is what makes you and other education groups like this one special and important in 1974.

I can report some very happy facts to you today about what we have accomplished for bilingual education in this year in Washington. Many of you have been a part of that action—you have worked through the offices of every member of Congress to encourage better support and greater support for bilingual education programs. The amount of money which the federal government will spend this year for bilingual projects will be almost doubled, I believe.

In the Senate we have appropriated $60 million, instead of the $35 million requested in the President's budget message—and the Senate is about to pass the Education Amendments of 1974, including the new bilingual education legislation which Senator Kennedy, Senator Cranston and I submitted last year. This legislation will establish a Bureau of Bilingual Education, new and expanded goals for the federal program, and authorize a great deal more money. It provides for a national assessment and report to the President and the Congress on need and on progress being made. It provides that 50 percent of all money over $35 million will be spent on teacher training. It provides for special funding for research and development of texts, teaching materials, new ways of teaching. It provides $40 million for bilingual vocational education and it makes bilingual education a part of adult education programs and library assistance programs.

All of these new federal proposals will now have to be subjected to the examination and approval of members of the Conference Committee, and will need the support of members of the House of Representatives as well as the Senate. It will be necessary for you to continue to keep members of Congress informed about your interest and involvement in this legislation if it is to finally become law. I believe that it *will* become law within a few months.

Not only the federal government, but state governments and local governments are moving now on bilingual education. Eight states now provide state money and provide state programs. Three more states have laws concerning bilingual education. Several state legislatures are now considering new mandatory programs.

The Census Bureau and the Departments of Education and Labor and Commerce have all begun to provide statistics to substantiate our worst suspicions about the economic problems, resulting from the educational limitations of Spanish surnamed Americans. They are our second largest minority, and the one whose language and cultural differences are the most common problem for educators. The United States is the fifth largest Spanish-speaking nation in this hemisphere—and in January of this year the cor-

rected census reported ten and a half million Spanish-speaking—a jump of nearly a million over 1972's figures.

The Civil Rights Commission has now completed its five year study about the educational handicaps of the Mexican American child in our five southwestern states. Their report, and the statistical and professional analysis on which it is based, will help to break down the barriers to understanding, as it is read by more and more teachers throughout the country.

Most important of all, the Supreme Court decision has now mandated change, and demanded recognition by states of the children within their borders who speak and think in one language and are asked to learn in another. Institutional resistance to change, both in government and in the schools, is crumbling. An astounding body of knowledge has been developed in the last seven years, and the pressures are building everywhere for progress.

All of these accomplishments should make you very proud and very excited—and gratified that you are in the forefront of a dramatic education revolution. It is hard to resist the feeling that now—at last—we are almost ready to declare a victory over the inequality and educational crippling which have destroyed so many children.

But—I think we must recognize that even though many professionals—professionals in both education and government—are now ready to *see* the terrible truth about our record in teaching minority-language children, and are now recognizing the need to change school policy and government funding policy, we are not yet quite ready to declare a victory over ignorance.

We, in our special group, know something else even more important today. We *know* that in the United States there *are* no teachers for most minority-language children—no teachers trained to communicate through language and culture, and no teacher training institutions to prepare those teachers in most states. The two year colleges and Community colleges where most minority students go to school, if they stay in the educational system, are not equipped themselves to teach bilingually, and are certainly not ready to provide teachers-training programs.

Dr. Charles Leyba of California has done a survey on teacher needs for the bilingual programs currently being funded by federal money. In a survey of 106 school districts which had some bilingual program, he discovered a need for 35,117 bilingual teachers—but less than 10,000 who actually were bilingual classes in these schools, less than ⅔ of the teachers were bilingual—and these were our best programs, the ones selected for federal funding!

Unless we find a way to begin to provide teachers and other qualified education personnel for these minority children, we are not going to win our battle against inequality, no matter what other success we may have.

With teachers who can communicate and are trained to teach in two languages, we can succeed, if we are willing to provide the funding and the effort.

Without teachers, we will fail—no matter how great our will, or how open our pocketbook.

That is why I am going to take a few minutes to talk about postsecondary education problems for minorities—and the overall under-representation of minority teaching personnel throughout our school systems. I believe that we must change the imbalance throughout the teaching profession before we can begin to provide the very specially trained teachers we need for bilingual education programs.

The National Education Association has reported that minority teachers are underrepresented in all our schools—but that under-representation for the Spanish-surnamed minority is most severe. The average pupil-teacher ratio in the United States is 1 to 22—but it is 1 to 107 for the Spanish-speaking. We would need 85,000 more teachers from Spanish-speaking minority groups if we were to correct the situation.

The under-representation for teachers is duplicated, of course, in all professional areas. Part of this is the result of poor elementary and secondary education. The vicious circle of bad or neglected education in the beginning grades inevitably results in fewer and fewer students at each progressively higher grade. It finally ends with statistics like those reported by HEW in 1970—only 2 percent of the college students in the country are Spanish-speaking. In order to equalize their representation, the number of Mexican-Americans in colleges throughout the country should increase by 189 percent, the number of Puerto Ricans should increase by 88 percent, the number of Indian students by 350 percent. Figures like that represent real tragedy, and tragedy which will be compounded in the next generation unless we change existing education patterns.

The College Entrance Examination Board reports that part of the reason for those figures is economic, part of it is culture discrimination, and part of it is simply the need for more community and junior colleges in the places where minorities live. All those things are true, and increase the complexity of our problems in trying to equalize education opportunities at any level.

Students from poor and minority families don't go to college as often, don't go to college as soon, don't go away to school, and don't stay to graduate.

Beyond all those considerations there is one other I think we must consider. Despite our pride in our school systems, the honest truth is that we do not provide the kind of federal government help to schools that we could, and we provide a lower percentage each year. In 1968 and 1969 federal aid to education accounted for a percent of total education cost. By 1972 that percentage was down to six percent.

Yet there are more than eleven million Americans aged 25 to 34 who failed to graduate from high school. The cost to *them* will be more than $237 billion in their lifetimes. The cost to the government will be more than $71 billion in taxes not earned. Yet it would have cost only $40 billion to educate them properly. Each dollar invested in their education would have returned six dollars in gross national product and nearly two dollars in tax revenue to states and the national government.

Our percentage commitment for education is smaller than that of any other modern nation. There are many ways to illustrate this fact, but perhaps the most dramatic is to say that for each citizen we spend $400 for military expenditures—and $12 for elementary and secondary education.

As a nation that is our shame and our tragedy.

For legislators and educators that illustrates our most basic problem—and the problem we must solve before we can really go ahead with this or any other special education program.

If we can find a way to increase support for education generally, then we can find support for our colleges—support they need so desperately this year.

If we can support our colleges more fully and more fairly, then we can begin to educate our minority college students more equitably.

If we can educate minority college students in the numbers they *should* be educated—then we can begin to provide the minority teaching staffs which our elementary and secondary schools need so desperately.

If we once establish the pool of minority teachers in our total school system, and particularly in our colleges, then we will be ready to train the bilingual-bicultural education teachers we need for the very special programs you are discussing in this conference—and which both you and I know are so important for minority children everywhere.

That's a pyramid of effort which sounds almost too difficult—yet I believe it is the next step we must take in providing for bilingual education.

We must not become intoxicated with our own expectations of success for bilingual education. We must understand the depth of the problem, and the relationship of this special education problem to all our education needs as a nation.

*All* children in America need our support for total education, and equal opportunity in our schools. We must commit ourselves to the long, tough job of providing that total education, not only to the minority children who need bilingual education, but to every child.

Because we understood those relationships and realities, this group is better able than most to face the truth. That truth is that we cannot fully educate any child unless we are committed to fully educate *every* child.

We have not won yet. But I know that we will win—and this group today will have been an important part of our victory.

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## DR. MALCOM MOOS ON PRESIDENT DWIGHT D. EISENHOWER

Mr. PERCY. Mr. President, through the last years of the 1950's I had the great pleasure of working with Dr. Malcolm Moos, now president of the University of Minnesota, but at that time principal speechwriter and assistant to the President, Dwight D. Eisenhower. President Eisenhower held Malcolm Moos in the highest regard and they worked intimately and closely on the major issues facing the Nation at that time.

I found most interesting an article that appeared last Sunday in the Minneapolis Tribune by Sam Newlund, a Minneapolis Tribune staff writer, in which he discussed some of the more interesting aspects of events that occurred in the later years of the Eisenhower administration. This included the U–2 incident during which time from 1958 to 1961, Malcolm Moos served as an Administrative Assistant to the 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:

[From the Minneapolis Tribune, June 2, 1974]

### MOOS RECALLS WHITE HOUSE UNDER EISENHOWER

(By Sam Newlund)

Fourteen years ago last month, presidential speech-writer Malcolm Moos—now the outgoing president of the University of Minnesota—was assigned a chore that gave him a ghastly feeling.

His job, Moos recalled last week, was to draft a speech in which President Dwight D. Eisenhower would claim no prior knowledge of the U–2 spy flight that resulted in the shooting down of an American pilot over the Soviet Union on May 1, 1960.

Both Moos and Eisenhower knew better. The president, Moos said, angrily rejected the speech and ordered a new one written. Moos said he felt "terrible—really ghastly" about writing the original.

The anecdote emerged during a wide-rang-

ing interview in Moos's Morrill Hall office. Moos was asked to compare the atmosphere in the Eisenhower White House with that revealed by the Watergate transcripts under President Nixon.

At the time of the incident Moos recounted, Eisenhower had just returned from a tumultuous Paris summit conference where Soviet Premier Nikita Khrushchev engaged in an angry harangue about the spy plane. The conference ended in failure.

In Washington, Moos said, he had been told by "People from the State Department" and by members of the White House staff to draft a presidential speech "following traditional lines—that a head of state cannot acknowledge that he knows about spying or surveillance."

Moos met the president's plane as it arrived from Paris. Eisenhower read the speech as they rode from the airport, Moos said, then angrily tossed it on the floor of the car.

"He said, 'You don't expect me to read that speech, do you, Malcolm?' And I said, 'No, Mr. President,' 'Well,' he said, 'all right, let's draft another one, and let's get going on it.'"

Moos, who leaves the university presidency this month, was in a good position to observe behavior in the Eisenhower White House. He was administrative assistant to the president, then White House special assistant, serving in the Executive Mansion from 1958 to 1961.

"If I had problems," Moos said, "even on difficult days—where his calendar was just tremendous, and they were always pretty bad—sometimes I'd just go over to the mansion when he came back from lunch, and walk back with him. On other days I'd wait until he was going out to play golf and ride out in the car with him."

Although there are no exact parallels to Watergate, Moos was clearly contrasting Eisenhower's handling of the U–2 incident and the Sherman Adams fiasco, with Mr. Nixon's "keep-the-lid-on-the-bottle" attitude disclosed by the Watergate transcripts.

Adams, Eisenhower's trusted chief assistant, resigned under fire in 1958 when it was disclosed that he accepted expensive gifts from Bernard Goldfine, millionaire industrialist.

It was like "cutting off his right arm," Moos said, when Eisenhower insisted that Adams quit. But Moos recalled that it was done "quickly, decisively—and it was rough."

On the U–2 incident, Moos reported a conversation with the President which he said "hasn't been unveiled before." It concerned the moment when some officials—Moos said he didn't know who—came to the President to get his signature authorizing the U–2 flight over the Soviet Union.

Moos said Eisenhower told him: "I told these people that some day the President of the United States was going to be seriously embarrassed and put in a serious compromised position . . . I remember signing the order, saying we're really going to get the President of the United States in trouble on this thing."

Asked if he himself knew in advance about the U–2 flight, Moos paused and said:

"No, I did not know about that operation. No, I didn't. As a matter of fact, only the President knew. He's the only one that can authorize those flights. It had to be a written order, and the problem there is that the meteorological conditions are such that you can only do that kind of flight a couple of days in maybe 60 days."

When Eisenhower rejected Moos's first-draft speech on his return from Paris, the President told him, according to Moos:

"Look, this is exactly what Khrushchev and the Communists want to really say is the state of affairs in the United States. That I don't know what's going on, that I'm a pawn of the capitalists here, and that I'm an infirm man here who really doesn't know what's going on in his own administration and government . . . Let's level and do (another) draft of the talk."

In the dramatic televised speech that Eisenhower finally made, he admitted that the U–2 flights were made with his approval and that the government had issued "what is known in intelligence circles as a 'covering statement'."

"The remarkable thing about this man (Eisenhower)", Moos said, "is that he rejected it right out of hand—the minute he saw what they were asking him to do. He said, 'I won't have anything to do with that' . . . And on the Sherman Adams thing, a lot of people thought he could ride that one out . . . but Ike made this judgment and that was it . . . So he didn't let events overtake him and sink deeper and deeper."

Were White House offices bugged in those days?

"I don't think anybody ever thought or had the smidgen of an idea that we were bugged," Moos replied. "As you know, the telephone lines are pretty carefully monitored to your home and things like that.

"Not monitored in terms of anybody listening in. Only security kind of things, so that people can't tap them when you're likely to be called by the president of the United States at your home, as I was frequently . . . I never lived in Washington. I commuted by train every day (from Baltimore). Except if the president wanted to see me at 7:30 in the morning or something I'd stay overnight."

Eisenhower, Moos recalled, "was incorrigibly human. It was the marvelous thing about him. It would be utterly unthinkable of Ike to have a tape. . . . or have some staff assistant taking notes (during a conversation)."

Presidential profanity in Eisenhower years was minimal, according to Moos, compared with the "expletive deleted" tone revealed by the Watergate transcripts.

"Ike could let out a curse word now and then," Moos said, "but I never heard him use a four-letter word—never—or say anything coarse or crude."

Moos described an incident in Mr. Nixon's 1960 presidential campaign when Eisenhower might have sworn in exasperation. Mr. Nixon, then vice president, was losing ground in some populous states, and until then the president had campaigned little in his behalf in order to avoid upstaging him.

Moos told the story this way:

"Toward the end of the campaign, Ike's friends came and said, 'Dick's going to lose. He's in terrible trouble in Illinois, Ohio, and Pennsylvania. And finally Eisenhower had a little luncheon in the mansion. Len Hall (Republican national chairman) was there, Jim Haggerty (presidential press secretary), and the vice president, who looked terribly haggard, terribly tired, very depressed.

"And Eisenhower asked me to come to it. He said, "Well, Dick, I hear you're in trouble in Illinois and Ohio. Now, Malcolm's here. And I'll go anyplace you want me to go if I can help. But tell me where you want me to go'. . .

"And I'll never forget it," Moos went on. "The president got very annoyed eventually. Nixon kept saying, well, he promised to go to Alaska and Hawaii because he promised to campaign in all 50 states.

"And finally Ike lost his temper. He said, 'Well, look, if I thought Rommel was going to be where we landed at Omaha Beach, I wouldn't go there. You're talking about three electoral votes in Alaska and Hawaii and you're in trouble in Illinois, Ohio and Pennsylvania."

The meeting, Moos recalled, "was a disaster because all Mr. Nixon would say was, "I promised to go to 50 states and I'm going to 50 states." (he lost the election to John F. Kennedy.)

How did Eisenhower express his annoyance? "I think that might have been one of those "god-damns," Moos said, laughing.

Did Moos see much of the Vice President Nixon during his White House stay?

"No," Moos said. "He was very guarded in those days, and to get through his staff was difficult. He's been a loner." Moos continued:

"Ike would say, 'Go to see Dick. See what he thinks about this.' And it wasn't easy . . . He ringed himself with a staff, so it was difficult to get to him."

That problem, Moos added, "is inherent, almost in the office of the vice presidency. It's a kind of coffin."

But Moos described vice president Nixon as "very effective" in cabinet meetings. He had a way, he said, of "bringing together a kind of consensus and orchestrating different judgments and opinions and doing this very well. . . From 1957 on he did work very hard to push civil rights legislation in cabinet meetings against some very stubborn kind of opposition from some of the cabinet."

Eisenhower, Moos said, appeared to have "genuine respect for Richard Nixon, but I don't think he regarded him as an intimate friend. They weren't close socially or friendship-wise in those years in the White House."

Moos guessed that men like William Rogers, Mr. Nixon's former secretary of state, Robert Finch, his ex-secretary of health, education and welfare, and Herbert Klein, former communications director, were close Nixon friends.

## A THRIVING EXAMPLE OF AN "HMO"

Mr. CRANSTON. Mr. President, recently the New York Times magazine of April 24, 1974, published an article by Sheila K. Johnson describing the history of the first "HMO"—health maintenance organization—its early experience as a prepaid health care program, and its growth into the current Kaiser Foundation Health Plan. The idea began in 1933 when Dr. Sidney Garfield successfully brought medical care to a construction project in the Mojave Desert through a program supported by a very nominal per capita prepayment. These funds enabled him to operate four small field hospitals which followed the workers across the desert and provided them the care they needed on location without the necessity for them to journey across the desert to Los Angeles.

In 1938, Henry Kaiser invited Dr. Garfield to repeat his successful experiment by creating a medical facility for Kaiser employees then building Grand Coulee Dam in eastern Washington State. Again, the program was successful, and in the World War II years, the same concept was brought successfully to Kaiser shipyards in Richmond, Calif., and in Portland, Oreg., and to the Kaiser steel mill in Fontana, Calif.

Today the Kaiser Foundation Health Plan has some 2.65 million members, served by 2,595 doctors, 23 hospitals, and 58 clinics.

Mr. President, Sheila Johnson's article describes the evolution of this system, its strengths as well as its weaknesses.

With the enactment of Public Law 93–222, the Health Maintenance Organization Act of 1973, support will be provided to many communities throughout the country for the development of HMO's. I believe the story this article tells will be

of considerable value to the many health professionals and concerned citizens in the Nation who are contemplating the establishment of an HMO in their community.

Mr. President, I ask unanimous consent that Ms. Johnson's article be printed in the RECORD.

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

HEALTH MAINTENANCE: IT WORKS

(By Sheila K. Johnson)

In the Depression year of 1933, having just finished his surgeon's residency in southern California, Dr. Sidney Garfield decided to look for work in the middle of the Mojave Desert, near a large construction project where some 5,000 men were digging a canal to bring water from the Colorado River to Los Angeles. "I went out there as a fee-for-service doctor, but I soon discovered that I couldn't make a living that way, particularly since the insurance companies were taking all of the on-the-job accident cases to hospitals in Los Angeles." So he persuaded the insurance companies to prepay him 5 cents a day per worker for industrial medical care, and then he talked the construction firms into offering the workers a voluntary 5-cents-a-day payroll deduction for general medical services. These per capita funds enabled him to hire four other doctors and to operate four small field hospitals which followed the workers across the desert.

"In 1938, just as that job was coming to an end, I heard that Henry J. Kaiser was moving construction workers into eastern Washington State to complete Grand Coulee Dam. Kaiser invited me to create a medical facility for his workers similar to the one I had run for the Mojave project, except that the men would be living at a single site and would be bringing their families." This time the plan cost 7 cents a day for each worker and his wife, and an additional 25 cents a week for each child. As in Garfield's first venture, the plan proved to be solvent, medically efficient, and popular with its clientele.

In early 1941, as Grand Coulee was nearing completion, it became clear that Kaiser would soon be heavily involved in wartime shipbuilding, particularly at Kaiser's shipyards in Richmond, Calif., and in the Portland, Ore., area, and at the Kaiser steel mill in Fontana, southern California. Once again, Garfield was asked by Kaiser to organize medical care for this huge influx of workers, who at one time during the war numbered 200,000. (A small creek in the Santa Cruz Mountains where, in 1939, Henry Kaiser had built his first cement plant was called Permanente, and Mrs. Kaiser suggested that the hospitals and clinics for the wartime workers also be called Permanente. Today, the health plan is formally known as the Kaiser Foundation Health Plan, but informally, many individuals still refer to it as Kaiser-Permanente.)

When the war ended and the shipyards were closed, it looked for a time as if Kaiser's hospitals and clinics would close along with them. But many of the former shipyard employees chose to remain on the West Coast and look for other kinds of work, and they wanted Kaiser to continue to make his health plan available to them. Unions, particularly Harry Bridges's longshoremen, also urged Kaiser not to abandon the plan, but instead to open it to the general public. Although this was done, the plan grew only slowly during the late nineteen-forties, and not until the early nineteen-fifties did membership figures begin to surpass wartime totals. In part, this initially slow growth reflected the fact that the plan abided by the medical etiquette of not advertising its services, but it also had to overcome a good deal of consumer skepticism and entrenched medical hostility. Some early members wondered, for example, whether Kaiser's doctors had medical degrees—a not altogether illogical question, since most county medical associations systematically refused membership to Kaiser's doctors until the nineteen-sixties. (The doctors were ostracized not because they lacked the proper qualifications, but because the medical associations were, and often still are, violently opposed to what they call "contract medicine.") By the end of 1973, however, Kaiser-Permanente had some 2.65 million members, served by 2,595 doctors, 23 hospitals, and 58 clinics. The plan had also spread into six different regions—northern California, southern California, Oregon, Hawaii, Colorado and Ohio—although California, with 84 per cent of the membership, continues to be the major center of activity.

As it has evolved Keyser-Permanente is the prototype of the health maintenance organization, or H.M.O., a medical plan in which a group of doctors provides both outpatient and hospital care for members who join the plan for a fixed prepaid annual fee. The idea is currently being hailed by officials of the Nixon Administration as a way to reduce skyrocketing medical costs. Late last year, Congress passed and the President signed a bill that would make it easier to establish H.M.O.'s around the country. Dr. Garfield is often called the founding father and chief theoretician of the H.M.O.

(Dr. Garfield, who is now 67, is semi-retired but still passionately involved with the health plan he helped found. He often consults with other groups wanting to start H.M.O.'s of their own, and his office is littered with floor plans for hospitals and clinics that Kaiser has on the drawing boards for its own expanding operations. "Hospital design is a sort of hobby of mine," Garfield explains modestly.)

He has had a hand in the layout of nearly every hospital built by the Kaiser plan and is responsible for such innovations as a double-corridor plan wherein an outer corridor gives visitors access to hospital rooms and can be used by patients as a walking and solarium area, while an inner corridor is used by the hospital staff. He also designed a rooming-in arrangement for Kaiser's maternity wards that permits new mothers to have their infants by their sides in drawerlike bassinets that can be pushed through the wall into the hospital's nursery when the mother is tired.

Actually, the distinctive feature of the H.M.O. is not prepayment, since other forms of medical insurance involve this element, but the fact that the money for medical care goes directly to the doctors. According to Dr. Cecil Cutting, the current Executive Director of Kaiser's northern California medical centers, "When payment is made directly to the medical program, the physician accepts the responsibility not only for episodes of injury or illness, but for continuing care and for preventive measures and health maintenance for those persons in the community who choose to be members of the program." It is also argued that a group health plan like Kaiser-Permanente is much more efficient for the patient—all of whose medical needs (pharmacy, X-ray, hospital, doctor's office, physical therapy) are met at a single site—and more economical, since expensive facilities and equipment need not be endlessly duplicated.

Under the Kaiser plan, doctors are organized separately into regional medical groups. These medical groups do their own hiring and firing and organize their own staffs. "No one has ever told me how to practice medicine," one Permanente doctor claims heatedly. Annual budgets for the hospitals and medical groups are worked out in consultation with the doctors, with basic costs figured on a capitation basis—that is, on the number of members enrolled in a given area. Doctors are paid a regular salary out of these funds—ranging from about $25,000 for a starting doctor to $100,000 for very senior men or hard-to-get specialists such as neurosurgeons and orthopedic surgeons. The average doctor's salary is around $45,000 a year. However, in addition to their basic salaries, doctors who have worked for Permanente for two or three years and who have been invited to become "partners" in their medical groups receive incentive pay. This pay consists of half of what the group has managed to save out of its annual budget (the other half is retained by the health plan for capital improvements and debt retirement).

In the well-established California groups, incentive payments have ranged, in recent years, from $7,000 to $9,000 per partner. "I could earn more money in private practice if I did the same amount of work I do now," one surgeon estimated, "but in private practice I probably wouldn't have the same volume of work." Another non-Kaiser, physician estimated that internists and pediatricians—among the lowest-paid and hardest-working of all doctors—may earn more working for Kaiser than they would in private practice, and certainly their hours are less rigorous.

Kaiser's method of reimbursing its doctors is one of the features often credited with reducing medical costs. Because doctors' salaries and incentive payments come out of a budget based on the number of people enrolled in the plan, doctors in effect save money if they can keep their patients well. By contrast, under Blue Cross-Blue Shield plans and Medicare, private doctors are reimbursed for specific services rendered to the patient, and it is argued that this has caused doctors to increase their services needlessly. Most health insurance plans also cover hospital expenses to a greater extent than visits to a doctor's office, leading doctors to admit people to hospitals for routine tests or simple surgical procedures that could just as easily be performed on an out-patient basis. In Kaiser-Permanente, on the other hand, there is no incentive to use expensive hospital facilities when less expensive outpatient care will do. As a result, Kaiser-Permanente has racked up some astonishing statistics: It operates with a ratio of 100 physicians per 100,000 members, whereas the national average in 1970 was 155 physicians per 100,000 population; hospital days per 1,000 members ranged from 510 in 1966 to 480 in 1970, whereas individuals covered by Blue Cross-Blue Shield insurance or by the Federal Employees Health Benefits Program have consistently had more than 90 hospital days per 1,000 members; hysterectomies and appendectomies are only about half as frequent, and tonsillectomies a quarter as frequent as among Blue Cross-Blue Shield members.

Because of its gradual development, the health plan's present organizational structure was not worked out until the nineteen-fifties. Before that, Garfield had simply functioned as a subcontractor for Henry J. Kaiser, although the hospitals that Kaiser had built had been incorporated as nonprofit entities. Today the apex of the organizational pyramid is the Kaiser Foundation Health Plan, a nonprofit corporation that enrolls health-plan members and contracts to provide for their medical care. The chairman of the board is Henry J. Kaiser's son, Edgar F. Kaiser, who is also chairman of the board of Kaiser Industries, one of the country's largest corporations (aluminum, steel, cement, heavy construction) with annual sales of about $1.8-billion and assets of about $2.8-billion. Nine of the health plan's 17 directors are either officers of the health

plan or of a Kaiser subsidiary. One result of this interlocking directorship is that Kaiser-Permanente has not the difficulties that most H.M.O.'s have in financing start-up costs and capital improvements. The health plan has never accepted Government funds (except in the form of research grants); instead Kaiser Industries has helped to underwrite many loans and the Henry J. Kaiser Family Foundation has provided no-interest loans as well as outright grants for new facilities. (Interestingly enough, present-day criticism of Kaiser-Permanente no longer comes from the far right, which used to regard it as socialized medicine, but from the far left, which accuses it of being a tool of big business. Ramparts magazine recently attacked the health plan for not having consumers on its board and for not allowing the community "to determine the structure and content of its health services.")

Approximately 87 per cent of the health plan's members join through an employer or a union, and of these, 97 per cent belong to group plans where all or part of their monthly fees are paid for them. Of the 13 per cent who join Kaiser-Permanente as individuals, many do so because they change jobs and their new employers do not offer the plan, or because they retire. The Kaiser-Permanente membership thus consists primarily of employed blue-collar and white-collar workers and their families—75 per cent of the families in the southern California region had a 1970 income of $7,000 or more, and 45 per cent had incomes of $10,000 or more—and the lowest income groups, which tend to have the most severe medical problems, are not included. The health plan's membership is also somewhat younger than the national average: Only 4.5 per cent of the members are over 65, compared to 9.9 per cent of the 1970 United States population.

The health plan's organizers are aware of this population bias and have sought out situations in which they could test the plan's effectiveness with other groups. In Hawaii, they provide health care for sugar plantation workers on rural Oahu and Maui, and in Portland, Ore., 1,500 indigent families (a total of approximately 7,000 people) were enrolled in Kaiser-Permanente under an Office of Economic Opportunity grant. So far, the statistics seem to indicate that these groups make no greater over-all use of Kaiser's facilities than does the general membership, although there are some interesting differences in the types of illnesses for which care is sought. (Because it is sometimes argued that the poor do not make optimum use of medical facilities even when these are freely available, almost half of the O.E.O. money was used for "outreach" efforts—a baby-sitting service, minibus transportation to the clinic, case-finding, and follow-ups to make sure people understand the doctor's instructions.)

Kaiser has also made heroic efforts to retain those of its members who become eligible for Medicare, although this has not been easy, given Medicare's system of remuneration based on fee-for-service. Notes one Kaiser Health Plan officer drily, "[The] administrative requirements have been unduly costly in time, money and resources. They have made no contribution to the provision of health services, and they have interfered with some of the basic operational advantages of our plan." Despite these technical difficulties, Kaiser appears to be saving the Government money: In 1969, hospital days for persons over 65 in Kaiser's northern California region were slightly more than half of what they were for persons over 65 in the nation as a whole.

Some have charged that the Kaiser plan's claims of efficiency actually mean that its physicians are cutting corners and offering substandard care in order to line their pockets, but such charges seem to have no basis in fact. Private doctors around the San Francisco Bay area are unanimous in their praise for Kaiser's doctors and for the standards of care in their clinics and hospitals. In 1967, the National Advisory Commission on Health Manpower made a "medical audit" of Kaiser and concluded that "the caliber of Medical Group physicians, particularly the physicians-in-chief, was uniformly impressive" and that "the quality of care provided by Kaiser is equivalent to, if not superior, to that available in most communities." Eighty-five per cent of Kaiser's physicians are certified or qualified for their specialty boards, and about 20 per cent have clinical teaching appointments in medical schools.

Kaiser's doctors are somewhat younger than the national average, but this is probably because a great deal of hiring was done in the last decade, when the health plan was expanding rapidly. There is also a higher percentage of women doctors working for Kaiser than exists in the nation as a whole. It may be that women doctors are drawn to Kaiser because they know they can expect regular working hours, with fewer evening and weekend duties; but it is also likely that women encounter greater difficulties than men in setting up a private practice, while Kaiser does not discriminate against them.

A typical example of a Kaiser physician is Dr. Davis Baltz, who has been with the health plan for 20 years and is now chief of surgery at its Vallejo hospital. Baltz, who is 49, did his residency in a private hospital before being drafted during the Korean war. He spent four years as a surgeon in Army hospitals. "Between my residency and the Army, I had a chance to see both private and group practice. I liked Army medicine. The only thing I didn't like was moving around from place to place all the time. As for private medicine, there's so much time wasted—doctors driving around from hospital to hospital to see their patients, hunting for places to park. And so much politicking goes on in private hospitals over which doctors will get their patients admitted and which doctors get time in the operating room. At Kaiser, doctors cooperate in working out schedules because we're not competing against each other."

Baltz is sensitive to charges that Kaiser doctors "undertreat" or "underoperate" compared with private physicians. "It's simply that the style of prepaid group practice is different. A private surgeon sees someone who may or may not have appendicitis and he can't afford to take a chance. If that appendix bursts the following day, he will be at fault. It could have a serious impact on his career. So he plays it unnecessarily safe and removes the appendix. In Kaiser, we can afford to keep the patient under observation and wait to see how the situation develops."

As an example of how a group can save money for itself and its patients, Baltz describes the solution the Vallejo group worked out when vasectomies, which used to be an elective procedure not covered by the health plan, were made a health benefit. "Overnight we had 300 or 400 men calling in to say they wanted vasectomies. First of all, it put enormous pressure on our urology staff—seeing all these people and explaining the operation to them, to make sure they knew what was involved—and second of all, it put enormous pressure on our operating room facilities. Our group of physicians had made a policy decision that they wanted to do this operation in the operating room, even though many private physicians do it in their offices. To solve these problems, we began by setting up a lecture, held on Saturday mornings, to which we invite anyone who wants a vasectomy, plus all the wives, who have to sign the papers O.K.-ing the operation. We serve coffee, show slides, and of course a lot of joking goes on among the couples. But the important thing is that in two hours a physician can explain the operation, answer questions and deal with the paperwork of 20 or more men—something that would otherwise take him at least five times as long. Then the men who want vasectomies are placed on a list, and they are told that whenever there is some time available in the operating room they will be called on short notice. If they can't make it when they are called, they are not taken off the list but simply called again at the next opportunity. Amazingly enough, most of them come in the first time we call them—sometimes on only an hour's notice. So when we have a sudden cancellation of a gall-bladder operation, I can just tell the secretary 'Get me five vasectomies.' That way the operating room stays busy, the doctors—who are there anyway—stay busy, and the patients are happy. It's also one way Kaiser keeps down costs."

But are all of Kaiser's patients happy? That question can start a heated argument at almost any dinner party where two or more Kaiser members are gathered. The statistics would seem to indicate that most of Kaiser's members are satisfied with the health care they are receiving. Shortly after Kaiser went public in 1945, it made a rule that it would take on no employe group unless that group were offered at least one alternative health plan and unless there were one annual "open enrollment" period when employes could switch from one health plan to another. In this way, it hoped to avoid serving a disgruntled minority who had no other choice, and it also provided itself with a ready-made indicator of consumer satisfaction.

Certainly, most Kaiser members are fully satisfied with the financial aspects of the plan. An independent survey in southern California found that 65 per cent of Kaiser's members were very satisfied, and only 9 per cent were dissatisfied, whereas among Blue Cross members, 28 per cent were very satisfied and 35 per cent were dissatisfied with their financial coverage. Although Kaiser negotiates separately with every employe group it covers, even its less comprehensive plans are far more extensive than other kinds of health insurance; multiphasic examinations are covered and cost $1; maternity care is either completely covered or costs $60; there is no "deductible" feature before the plan's benefits start; there is no limit on the number of hospital days per year for which an individual is covered nor is there any sort of 80–20 splitting of costs. Kaiser's insurance premiums are also competitive. For example, a University of California employe must pay $49.30 per month for coverage for himself and two or more dependents under Blue Cross; Kaiser's plan for a similar-sized family would cost him $42.63.

Some Kaiser members are less enthusiastic about the way in which the medical plan actually works. Members are encouraged to choose one of Kaiser's doctors as their "regular physician" and to "build a relationship with him," but getting an appointment with a specific doctor for a nonemergency matter usually means a six-weeks' wait. Anyone with an urgent problem is referred to the emergency ward or to one of the "drop-in" clinics. The drop-in clinics are staffed by regular Kaiser doctors who draw this service on a rotating basis, but here—since patients come in without an appointment—one is seldom lucky enough to see one's regular doctor, and there is often a long line producing a wait of several hours. Because of the frustrations involved in either trying to get a regular appointment or visiting a drop-in clinic, many Kaiser members develop their own techniques for getting around the system. "I wouldn't dream of going to the drop-in pediatric clinic," one woman told me firmly; "it's a waste of time. If my kid gets sick, I just call up my regular pediatrician and insist that he work me in." Most doctors at

Kaiser have a certain amount of flexibility in their schedules and try to accommodate such insistent patients, but many of them disapprove of the practice. "Sure, some people get wise and can get to see ayone they want, any time they want," says Davis Baltz. "But if everyone did that, the system would simply break down."

When the system is working well, it can be highly efficient. A patient may be seen by his regular doctor or by a drop-in clinic physician (or he may simply have come in for a multiphasic physical exam), but if there is something seriously wrong with him, he can be admitted to the hospital at once (where a different doctor will take over his case) or he can be referred to one of Kaiser's specialists for further diagnosis and treatment. In rare cases, Kaiser will provide its members with treatment at centers outside its own facilities. Last year, for example, all four children of David Costello, a teamster whose family is enrolled in Kaiser's health plan, had open-heart surgery performed by Dr. Norman Shumway at Stanford Medical Center, Kaiser's northern California medical group does not have an open-heart surgery team because they consider it a needless expense so long as Dr. Shumway is located in the Bay Area; instead, they pick up the tab for such operations.

Being referred to and treated by the right Kaiser doctor for a difficult problem can, however, be a frustrating experience. Writes one member: "Twelve years ago our son developed a brain problem. His case was shunted about, finally to San Francisco, for almost a year. No relief until finally we gave up on Kaiser. Went to a doctor in the Palo Alto area (where we live) whose diagnosis was prompt, and the control and care of the problem effective; at three times the annual cost of Kaiser. The son of friends had a congenital eye fault. His mother spoke firmly, rising to shouts and a few screams. It took a long time but she finally got to the Kaiser inner sanctum in Oakland where was hid the doctor.

This account also raises the issue of how many Kaiser members, whether out of frustration or to save time, use doctors outside the medical plan without the plan's authorized referral. Some surveys indicate that perhaps as much as 10 percent of the members' hospital care and 15 percent of their office visits take place outside the Kaiser system—in this case meaning, of course, that members pay out-of-pocket for these expenses.

However, most of the complaints against Kaiser do not come from members with serious ailments but from people with ordinary problems. A woman complains, "One day I phoned Gynecology for an appointment. I was on the phone for three hours, 9 A.M. to 12. Besides having them answer the phone and say, 'Please hold on,' I was shifted back and forth." Another woman who went to Gynecology Emergency to have a minor yeast infection treated says she waited for three hours and then "you get one minute with a harried doctor who barely has the time to ask you what's wrong, much less tell you how to prevent recurring yeast infections."

None of these complaints come as news to Kaiser's doctors or administrators, many of whom have devoted a great deal of time and ingenuity to improving the health care delivery system. In 1961, Dr. Morris Collen, who joined Kaiser in 1942 and who served as Physician-in-Chief first in Oakland and then in San Francisco, set up the Department of Medical Methods to develop computer applications that would expedite medical care. Dr. Collen took a degree in electrical engineering before he became a doctor and is widely credited with devising and introducing "automated multiphasic screening" at Kaiser. "Dr. Garfield had always conceived of our health plan as a form of preventive medicine, and so checkups were available to members right from the start. But the increasing number of requests for checkups took up an enormous amount of the doctors' time and cost a lot per patient, leaving very little time and money for the treatment of the truly ill. So in 1951, we set up a multiphasic screening unit. This is basically a systems approach to checkups and it involved repackaging a series of tests so they could be administered by trained nurses and paramedical personnel. At the time we began this at Kaiser, it was novel in the practice of medicine, although it was not novel in the field of public health—mobile chest X-ray units are an example. Then in 1964 we brought in the computer, and we coined the phrase 'automated multiphasic screening.'

This does not just mean that all the tests are processed automatically and the results stored in the computer: The computer is also programed with advice rules, so that if a test's results show some abnormality, the computer calls for further tests before the patient ever sees a doctor.

The multiphasic unit in Oakland is housed in the basement of the small building where Dr. Collen and Dr. Barfield do their cogitating. About 180 patients a day can be sent through the system like rats through a maze: blood pressure, chest X-ray, electrocardiogram, blood chemistry, uranalysis, eyesight and hearing tests, the Pap smear and a mammogram for women, a medical history (how many cups of coffee a day, how many cigarettes, how many alcoholic drinks), and even some questions borrowed from the Minnesota Multiphasic Personality Inventory. (This last test, Dr. Collen admits, has not been too successful: "We'd like to be able to screen people for psychosomatic and psychosocial problems, but so far the number of cases we've spotted is so small that we suspect the instrument is not very good.")

As of 1970, the results of some 300,000 multiphasic exams had been stored in the computer, providing not only a large population for epidemiological research but also a time series for any given individual. For example, careful study of these time series has convinced Dr. Collen that "there is nothing sacred about the yearly checkup. If a man in his twenties feels well, he probably is well. Of course, anyone—regardless of his age—should come in for a multiphasic or for an ordinary checkup if he has symptoms. But our studies show that there is a clear advantage to getting an annual checkup for men under the age of 45. After that age, there are enough changes occurring so that an annual checkup is important; and perhaps after the age of 60 he should get a check-up every nine months, and after the age of 70, every six months." In terms of epidemiological research, the multiphasic data have already been used to study such things as the incidence of breast cancer, the incidence of stroke in Japanese-Americans, the effects of oral contraceptives and the characteristics of smokers and nonsmokers.

At the present time, it is only the multiphasic data that is stored in the computer; patients at Kaiser also have ordinary records of their ills, medications and operations that are kept in manila folders. (One advantage of group practice is that no matter who treats the patient—his regular physician, a specialist or a doctor on the emergency ward—this same record will be available.) However, Dr. Collen is convinced that within five to 10 years, large systems such as Kaiser will be computerizing everything. In 1968, H.E.W. provided a grant for setting up a pilot project in "computerized medical data" at Kaiser's San Francisco hospital. Doctors were taught to enter their diagnosis for each office visit on special forms, and the data was then entered into the patients' computerized records. On-line typewriter terminals were installed in the San Francisco out patient pharmacies so that all prescriptions could also be entered into the patients' records. A system of visual display terminals responsive to light pens was even developed enabling nurses to chart and doctors to enter medical orders for their hospitalized patients directly into the computer. The whole elaborate pilot project was recently dismantled when the Government grant ran out and it proved too expensive for Kaiser to continue on its own. But computer hardware is getting cheaper, even as manpower costs are rising, so that in the long run Dr. Collen may very well be right.

Dr. Sidney Garfield has also become fascinated by the computer and its potential, but his approach is somewhat different. "I used to think that the automated multiphasic was a useful way to siphon off all people who wanted routine health checks, but now I've come to realize that this should be the method of entry into our system, even for people who think they are sick." But what about mothers whose babies merely have the sniffles or adults who have sprained a muscle or broken a leg? Will they also be sent through the multiphasic? "No, we are developing another new system to take care of acute minor conditions. The patient will come to the emergency or drop-in clinics, as he does now, but he will first be seen by a specially trained nurse who will fill out a protocol." Such protocols are, in essence, check sheets on which the patient's symptoms, his temperature, and other relevant facts are entered. Eventually, the patient does see a doctor if it turns out that he needs one, but for an ordinary cold or a sprain, he might very well just be treated by a nurse.

The problem with all of these plans to streamline the delivery of medical care is that the average individual is not as likely to be as unemotional about repairs to his body as he is, say, about repairs on his car. Erving Goffmann once noted laconically in an article comparing doctors and repairmen that the body is highly "cathected," or valued, in our society; "individuals are uneasy about giving their bodies up to the rational-empirical ministrations of others, and hence need their 'confidence' in the server continuously shored up by bedside assurances." Dr. Garfield argues that this pattern is changing: "At Kaiser, approximately 60 per cent of our patients do not ask for a specific doctor; they simply place their faith in the system. In many situations, patients are also completely satisfied with a well-trained nurse practitioner—for example in the multiphasic or in the well-baby clinic."

Garfield points to other professionals—notably dentists—who have made good use of assistants in rationalizing their own workloads. "Or take pilots. When I first began to fly commercially, you went out to the airport and the pilot would sell you a ticket. Then you would climb into the airplane and sit either right beside or behind him. Today no one expects to see the pilot—let alone find him behind the ticket counter—yet we have confidence that he will get us where we are going. The same will soon be true of doctors: They may not be taking medical histories or blood pressure any more, but they will still be doing what they are trained to do best."

Neither Dr. Garfield, nor anyone else at Kaiser-Permanente, envisions a future in which all medical care will be delivered by health maintenance organizations: In general, they favor a pluralistic environment in which various approaches (including the private physician) can compete. Nor is it necessary that all H.M.O.'s be patterned exactly after Kaiser-Permanente. New York's Health Insurance Plan (HIP) has often been called an H.M.O. without walls because until recently, state laws prohibited it from owning and operating its own hospitals and clinics. Last year's Health Maintenance Organization bill overrode all such state restrictions that have hampered the creation of H.M.O.'s in the past. It was also designed to encourage

more H.M.O.'s by making it mandatory for employers above a certain size to offer an H.M.O. plan to their employees *if such a plan exists in their area*. Given such an incentive, and seed-money or low-interest loans from the Government, many doctors will undoubtedly be drawn toward the H.M.O. approach to health care. And when they are, it is likely that they will be turning to the long experience of Kaiser-Permanente for guidance.

## INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

Mr. KENNEDY. Mr. President, I would like to call to the attention of Senators and other readers of the RECORD the latest annual report of the Intergovernmental Committee for European Migration—ICEM. For more than 20 years this Geneva-based humanitarian organization has been one of the main forums for international action in the field of national migration and refugee resettlement. Over the years, more than 2 million persons—most of them refugees—have been assisted by ICEM in establishing new homes and finding new hope. Some 350,000 of these people have been resettled in the United States in cooperation with the private voluntary agencies.

Although the bulk of the refugees resettled by ICEM have come from Eastern Europe, in recent years the international organization has become increasingly involved in other refugee problems as well. In close collaboration with the United Nations High Commissioner for Refugees—UNHCR, ICEM has made important contributions in the repatriation of refugees from the Sudan and in the resettlement of Cuban refugees in Spain, of Chinese refugees in Hong Kong, of Asian refugees from Uganda, and the recent refugees from Chile. ICEM has also assisted the UNHCR and the International Committee of the Red Cross—ICRC—in the recent exchange of populations between Bangladesh and Pakistan, and has cooperated with the United Nations Disaster Relief Office—UNDRO—in Geneva in the transportation of relief supplies to victims of natural disaster in the Sahel countries, the Middle East, Pakistan and Nepal.

ICEM and its director, Mr. John F. Thomas, not only deserve high tribute for a remarkable record of humanitarian service; but they also deserve the continued support of our own Government and others, in the ongoing efforts to be of help in people problems around the globe.

Mr. President, I commend to Senators ICEM's latest annual report, and ask unanimous consent that it be printed in the RECORD.

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

### 1973—REVIEW OF ACHIEVEMENTS

### A CHALLENGE FOR THE FUTURE

During the year 1973 ICEM moved nearly 78,000 migrants to new homelands. The majority were refugees who, in many continents, appealed to the international community to be resettled elsewhere.

In spite of the tight budgetary situation due to monetary fluctuations and mounting inflation, ICEM was able to carry out all its operations while at the same time new responsibilities were being placed on its shoulders.

The high level of economic activity in Europe continued to affect the volume of emigration. In the year under review fewer European nationals expressed the desire to settle overseas, while traditional immigration countries such as Australia, Canada, New Zealand and South Africa imposed more restrictive selection criteria for the intake of Europeans. This decline in national emigration through ICEM was accentuated by the decision of the Australian Government to withdraw from membership of the Committee.

Refugee migration, however, has not diminished. On the contrary, regrettably, the number of refugees continued to increase and new refugee situations often called for immediate action in which ICEM played an important role. An upward trend of approximately 30% since 1970 in ICEM's refugee operations, now carried out in practically all parts of the world, is partly due to ICEM's participation in emergency programmes, at the request of Governments or international agencies responsible for this humanitarian work. While continuing its assistance to refugees from Uganda, ICEM undertook a refugee programme in Chile in close collaboration with the United Nations High Commissioner for Refugees and the International Committee of the Red Cross. Under this programme persons requiring resettlement assistance were accepted by many different countries of the West and of the East; ICEM, as a non-political international agency, was able to move them all without restriction. This exemplifies the constant need for ICEM's international operational machinery which is capable of handling crash programmes at any time and in any part of the world without interference or disturbance of its "traditional" operations.

Ten years ago the Latin American member countries urged ICEM to make special efforts to provide them with qualified manpower in order to fill crucial gaps impeding the development of their economy. As a result, the Selective Migration Programme was created in 1964 for the purpose of bringing to Latin America those migrants possessing the skills and experience essential to its progress. During the past decade ICEM, with the approval of its European members, has recruited as a pragmatic form of development assistance some 13,000 qualified workers, 30% of whom were university professors, teachers and instructors. By definition the Programme can only satisfy urgent needs, but it has proved over the years, as many Latin American Governments have repeatedly confirmed, to be an indispensable tool for the social, economic and cultural advancement of their countries, not merely by the direct contribution of the migrant himself, but also by the knowledge and skills he is able to impart to the national workers.

ICEM reached another milestone in its history when it moved its two millionth migrant. Migration, however, is not merely a question of boarding people on ships or airplanes and transporting them to new destinations.

The migration phenomenon comprises many other elements which continuously demand careful study and analysis. ICEM cooperates regularly with other international bodies such as the International Labour Office, the Council of Europe, the Organization for Economic Co-operation and Development and the Organization of American States, in studying various aspects of migration, which may have a direct bearing on the well-being of migrants in their new countries.

An exchange of views on the integration and adaptation of migrants will take place during the ICEM seminar in May 1974 to which many Governments will contribute either by sharing their own experience or making available experts in this field. The findings of this seminar should prove valuable to Governments in connection with the formulation of their migration policies.

It will be recalled that ICEM, at the request of its Council, in 1972 carried out an inquiry which served as a basis for a study on national policies and trends of European migration. In the light of that study the Council of Europe adopted its Resolution No. 550, in which ICEM is invited to consider *inter alia* the establishment, in conjunction with the Council of Europe, of medium and long-term forecasts on migration within Europe, covering also the non-European emigration countries in the Mediterranean basin. The resolution also called for the creation, in consultation with the other internation organizations concerned, of an information centre on European and particularly overseas migration. The growing employment problems in many of the industrialized countries should make it of great assistance for Governments to have soundly based estimates of the volume, direction and trends of European migratory currents, thus enabling them to achieve more balanced and rational migration. ICEM, in collaboration with other international organizations, could certainly provide this service.

As long as the world is confronted with employment problems and manpower needs, play its role in population movements. The United Nations has designated the year 1974 as World Population Year, during which, it is anticipated, constructive plans will be developed for a better distribution of people and manpower in the world.

Since its inception ICEM has been contributing to the realization of this objective and will continue to do so for the betterment of people and countries.

JOHN F. THOMAS,
*Director of ICEM.*

### ICEM'S HUMANITARIAN PROGRAMMES

### ONE MILLION REFUGEES

On 23 May 1973 ICEM moved its millionth refugee. This was a 60-year old former professor of literature and writer who had become blind and who suffered from partial paralysis and tubercolosis. Last year he sought asylum with his wife in Italy where they lived until the *Entraide Ouvrière Suisse* arranged for them to be admitted in Switzerland.

During a short ceremony at Geneva Cointrin airport, Mr. John F. Thomas, Director of ICEM, welcomed this handicapped refugee: "as a symbol of the one million refugees ICEM is proud to have assisted in their migrations during the past 21 years. The important task of attaining international solidarity has been made possible through the generosity of ICEM Member Governments and the devotion of intenational Voluntary Agencies who jointly made efforts to achieve this humanitarian goal and in particular the generosity of Switzerland, your new home country . . .".

### REFUGEES UNDER NORMAL PROGRAMMES

In spite of a certain detente between East and West refugees continued to arrive in large numbers in Western Europe. As in previous years the majority found temporary refuge in the traditional countries: Austria, Italy and the Federal Republic of Germany before they were moved to new homelands. However, for some groups of refugees the waiting period, regrettably, had to be much longer than in earlier years as some overseas immigration countries could not accept them immediately due mainly to economic reasons. Also some European countries, which in former years selected refugees in Austria and Italy, were now unable to help these countries in reducing the number of this type of asylum seekers. One of the reasons was that they had accepted large numbers of refugees from Uganda and Chile to whom they felt they should give priority. It must

be mentioned that despite those problems, the countries of first asylum did not hesitate either to admit refugees from those two countries.

The delay in resettlement naturally caused much concern in the countries of first asylum and particularly to the voluntary agencies. Subsequently requests for a more liberal approach and more rapid processing were made to the governments of the main immigration countries. The United States of America quickly reacted by instituting special measures so that certain groups of refugees could depart to that country with greater speed.

It will be remembered that in the fall of 1971 public attention was called to the granting of exit visas to Jews in the Soviet Union. Whereas in 1972 some 31,500 Jewish refugees were moved to Israel, the number who was assisted, increased to 33,237 persons in 1973. Movements to Israel were particularly heavy in the last few months of 1973 and were not affected by the reopening of the hostilities in the Middle East.

The USSR also granted exit visas for countries other than Israel in a larger number than in former years; many of these refugees belonged to ethnic and religious groups of non-Jewish origin.

Thanks to the close collaboration among ICEM, the United Nations High Commissioner for Refugees, the United States Refugee Programme and the Voluntary Agencies, it was possible to resettle 50,000 refugees from Eastern Europe, the Middle East and North Africa.

CUBAN REFUGEES

Another large group of ICEM assisted refugees are the Cubans from Spain. The influx of Cuban refugees into Spain in 1971 and in 1972 was around 12,000 persons per year, while only 2,689 arrived in 1973. This decrease would seem to indicate that the date of 31 May 1970 decreed by the Cuban Government following which no more applications for exit permits were accepted, had started to take effect.

For the first time, since 1961 departures from Spain exceeded arrivals. Under ICEM auspices 9,158 Cubans were resettled mainly in the United States with smaller groups going to Australia and to the Latin American countries. Nevertheless, at the end of 1973 there were still some 20,000 Cuban refugees in Spain waiting for resettlement. This accumulation of refugees has been a matter of growing concern during recent years. Protracted periods of waiting might have easily undermined the morale of the refugees, as only limited absorption possibilities were available in the asylum country. Fortunately the United States Government decided in late October to make special facilities for these refugees to enter the United States. As a result, a crash programme was initiated by December which allowed ICEM to increase its movements to 1000 refugees that month. Processing will be accelerated in 1974 in an endeavour to reduce as fully as possible the large number of Cubans who found first asylum in Spain.

ASIANS FROM UGANDA

In the Autumn of 1972 President Amin of Uganda ordered the expulsion of all Asians with exception of those with Ugandan citizenship. The largest number of Asians affected by that decree were those with British passports, who were all accepted by the United Kingdom. However a number of expellees of undetermined nationality (stateless) found themselves to be in a rather precarious situation as they could neither obtain exit permits nor be admitted to countries of asylum without special arrangements being made on their behalf. In close collaboration with the United Nations and the International Committee of the Red Cross, ICEM arranged for the evacuation of 4,640 persons to temporary transit centres in Austria, Belgium, Itay, Malta and Spain, while 206 Asians directly were resettled in Switzerland and Denmark. Before the end of 1972 ICEM succeeded in moving 1,966 persons from the asylum centres to final destinations.

During 1973, thanks to the continuous efforts of UNHCR, Voluntary Agencies and ICEM, the last stage of the Uganda operation was reached and by the 31 of December there were only 100 refugees not yet resettled.

The stateless Asians from Uganda found new homes in 24 countries of the world. The majority of them were resettled in the United States of America (1,614), Canada (736) and the United Kingdom (530). Smaller groups were admitted in Sweden (341), the Netherlands (259), Austria (225), Switzerland (222), Belgium (165) and Norway (164); the remainder were accepted by various countries in Latin America, Oceania, the Emirates in the Persian Gulf and Africa.

Special mention should be made of the generous gesture of the Government of Denmark who offered resettlement opportunities to 100 handicapped Asians. Also other countries relaxed their criteria for the admission of sick and aged persons thus enabling the resettlement of those people for whom it is normally difficult to find a new home country.

The special circumstances in which the Asian refugees had to leave Uganda resulted in many families becoming separated and it is estimated that some 1,500 are still dispersed over several countries in the world. During the year it proved possible to reunite 228 Asians with their families. It is hoped that in 1974 a final solution will be found for the remainder of that problem.

The Uganda operation once again demonstrated the inestimable value of an international mechanism capable of carrying out the migration of uprooted persons on an emergency basis. Thanks to the continuous work of the international community a human crisis which could have reached international dimensions, could be averted.

SPECIAL PROGRAMME FROM CHILE

Following the visit of the Deputy Director of ICEM to Chile shortly after the change of government in September 1973, the Minister for Foreign Affairs requested ICEM to make available its services to the newly established National Committee for Aid to Refugees in arranging the departure of foreign refugees from that country.

In resopnse to that appeal, a Sub-Committee for Resettlement was set up under the chairmanship of the ICEM representatives in Chile. ICEM was in the fortunate position of having had an office in Santiago de Chile for twenty years and it was not too difficult to establish a structure to handle the new emergency situation. In close co-operation with the Office of the U.N. High Commissioner for Refugees and representatives of the International Committee of the Red Cross, the Chilean Programme started early in October. Within a week the first transport of foreign refugees took place.

In the meantime the UNHCR made a world-wide appeal for resettlement of these non-Chileans. Many countries responded to that request and accepted certain groups, which enabled ICEM to move more than 1,000 persons to 32 different countries before the end of the year. Chilean nationals who for political reasons had sought refuge in foreign embassies were not the concern of either the National Committee for Aid to Refugees or of UNHCR, but the Chilean Government authorized ICEM also to arrange for their departure. During the last three months of the year ICEM moved some 1,250 Chilean nationals to various countries.

Although normally the movement of some 2,250 persons represent only a very small percentage of the overall ICEM operations, there were several aspects in the Chilean programme which made it more complex than other operations. For example, the persons for whom emigration assistance had to be arranged, were dispersed in many localities such as the various emergency centres established by the National Committee for Aid to Refugees, the Stadium and almost all embassies of the Governments represented in Chile. This created certain problems for both visa and embarkation processing.

Another factor was the very limited validity of the safe conduct certificates which required the departure of the person concerned as soon as the document had been issued. This made charter arrangements and the movement of large groups hardly possible. ICEM was therefore very appreciative of the positive response of all major airlines operating from Santiago to its request for the granting of special fares for these individual movements, thereby assuring minimum expenditure from international funds.

The programme will continue in 1974 and at this point it can be estimated that at least another 1,000 resettlement opportunities for foreign refugees will be needed before the problem of the still remaining non-Chileans will be solved. Any estimate of the number of Chilean nationals who will be leaving in 1974 is difficult to give, but at the end of the year it was reported that there were still between 600 and 800 persons in foreign embassies in Santiago.

HANDICAPPED REFUGEES

Over the years it has become clear that the problem of handicapped refugees is a continuous one. Although all efforts possible are made through the UNHCR/ICEM Special Resettlement Dossier Programme to find new homelands for people with health and social problems, who cannot be accepted under the normal immigration criteria, other handicapped refugees continue to arrive for whom a satisfactory solution has to be found. In spite of the encouraging results achieved in the resettlement of handicapped during the year, additional placement opportunities are required in order to avoid forcing these unfortunate people to remain for long periods of time in refugee centres before being given the chance to integrate again in the community. This prompted the U.N. High Commissioner for Refugees to launch the "Ten or More Plan" during the 1973 meeting of its Executive Committee. Both the Director of ICEM and the Chief Medical Officer, responsible for the operation "handicapped refugees" supported wholeheartedly this humanitarian plan.

As during previous years the majority of the less seriously handicapped refugees were accepted by overseas countries such as Australia, Canada, New Zealand and the U.S.A. In total nearly 2,000 persons (handicapped and their families) could be resettled; 168 of them were seriously handicapped and moved under special schemes.

Very few refugees of European origin arrived in Hong Kong during the year and only six of them needed to be placed in European countries under the handicapped programme.

It was only natural that in view of the very special problems of Asians expelled from Uganda priority had to be given to the handicapped belonging to that group. During

1973 the interviewing and examination of a number of handicapped Asians which had started in the fall of 1972, was continued in the transit centres in Austria and Italy. Some of those refugees could fortunately be reunited with their family members in Canada, the United Kingdom and the United States. Others were accepted by traditional European receiving countries such as Belgium, the Netherlands, the Scandinavian countries and Switzerland. In this respect Denmark made a remarkable contribution by receiving some of the most difficult handicapped refugees ever accepted by any country. Only a very small group was not yet resettled at the end of the year, but for some of these handicapped Asians a solution of the problem was in sight.

OTHER REFUGEES

ICEM's transportation arrangements, in addition, facilitated the resettlement of 3,300 non-European refugees in 1973. Most of the movements were arranged by the ICEM Office in Hong Kong mainly for refugees from South-East Asian countries.

There were also 97 Tibetan and African refugees who were resettled in European countries and Canada. The former group was moved on a fully reimbursable basis to Switzerland at the request of the Swiss Government while the movement of those from Africa was arranged on behalf of UNHCR.

Thanks to contributions made available specifically for that purpose, ICEM was able, in collaboration with the Voluntary Agencies, to establish a special loan fund for refugees from outside Europe. This fund made it possible to assist some very needy cases who had been waiting for their emigration in very difficult circumstances for many years.

Here again the competence of ICEM's international mechanism comes to the fore permitting it to deal with refugees in widely dispersed areas.

CO-OPERATION IN CRITICAL SITUATIONS

*Co-operation with UNHCR.* The 1971 war of secession on the Indian Sub-continent, which led to the independence of Bangladesh, left some 200,000 people as prisoners of war, internees, refugess, or just as "displaced persons" in countries in which they were either not considered desirable or which they did not regard as their homelands. After frequently interrupted diplomatic negotiations, the governments concerned finally agreed, in summer 1973, on an exchange of these unfortunate people. The execution of this huge programme was entrusted to the United Nations High Commissioner for Refugees and the International Committee of the Red Cross. The United Nations High Commissioner for Refugees in turn requested ICEM to make its technical know-how on transport matters available by negotiating and concluding, on its behalf, aircraft charter agreements.

An initial small scale "pilot" operation was performed in mid-July 1973 when four one-way charter flights carried a total of 444 people from Karachi to Dacca.

A second larger and more important operation commenced towards the end of August when 10,000 to 15,000 persons had to be moved within a very short period of time. ICEM invited 15 companies to submit their bids for this humanitarian airbridge which finally was entrusted to ARIANA Afghan airlines. This company performed 94 charter flights moving a total of 13,337 persons within a period of four weeks. The successful completion of this operation was followed by other repatriation programmes in which ARIANA, the British charter airlines Donaldson International Airways, ALIA, the Royal Jordanian Airlines and KLM, the Royal Dutch Airlines took part. By the end of 1973 some 73,000 persons had been repatriated, the operation is still continuing but at a reduced pace. However it is hoped that movements can be accelerated after the close of the Pan-Islamic conference which is scheduled to convene in Pakistan during mid-February 1974.

Technical transportation assistance was also given to the United High Commissioner for Refugees in relation to the repatriation of thousands of *Southern Sudanese* refugees who had sought asylum in neighbouring countries.

ICEM's main task was to make aircraft charter agreements in order to carry out flights between Khartoum, Juba and other South towns for transporting the food and material necessary to permit a smooth settlement of the repatriates. Furthermore charter flights had to be contracted for the repatriation of over 3,000 handicapped refugees and their families, including lepers, who had found a temporary asylum in the Central African Republic. Finally ICEM was involved in the air transportation of supplies (mostly medicine or medical apparatus) from Europe to the Sudan, for which special facilities *inter alia* on scheduled cargo aircraft could be obtained.

When the South Sudan operation was successfully completed, the UNHCR Senior Adviser on Special projects expressed his appreciation of ICEM's assistance and in particularly of the secondment of its experienced staff, "which made it possible for UNHCR to overcome tremendous and unprecedented difficulties in terms of transportation techniques. The South Sudan operation will undoubtedly stand as yet another significant example of close and fruitful co-operation between ICEM and UNHCR".

*Co-operation with UNDRO.* At the request of the United Nations Disaster Relief Office (UNDRO) in Geneva, an ICEM official was seconded on an ad hoc basis to assist that office in obtaining the necessary cargo space free of charge or at special rates and to arrange for the transportation of urgently needed supplies for the relief of the victims of natural disaster in the Sahel countries, the Middle East, Pakistan and Nepal.

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MOVEMENTS OF NATIONAL MIGRANTS AND OTHER CATEGORIES

EUROPEAN NATIONALS

During 1973 ICEM moved 9,601 national migrants to overseas countries. This relatively low number is due to several factors. Firstly, the enlargement of the European Economic Community from six to nine members and the still-continuing expansion of the European economy was associated with a further increase in intra-European migration. Secondly, late in 1972 and early in 1973 some overseas immigration countries announced that their economic situation obliged them to be more restrictive in their immigration criteria. This inevitably dissuaded many potential migrants to proceed with their emigration plans. Thirdly, the Australian Government decided to carry out its assisted passage movements of European nationals without ICEM's collaboration.

The majority of the national migrants assisted by ICEM (7,390 persons) resettled in traditional immigration countries such as Australia, Canada, New Zealand, South Africa and the United States, with the greatest number coming from Germany, Greece, Italy and Malta. 2,192 Europeans found new opportunities in Latin America, for a main part under the special programmes designed to assist the socio-economic development of that continent.

Of the total moved, about 400 migrants who were not qualified for government assisted programmes, were enabled to join their relatives overseas thanks to arrangements between ICEM and the Voluntary Agencies.

A renewed interest in migration from Europe manifested itself during the last month of the year, at which time an increased level of applications was reported by most immigration countries. This trend may well be ascribed to growing employment problems in Europe, mainly due to the energy crisis and consequently the somewhat bleaker outlook for the future of further economic expansion.

VOLUNTEERS

In the course of several years ICEM assisted the United Nations Volunteers Programme (UNV), international voluntary agencies and some governmental agencies by arranging the transport of volunteers and development aid workers recruited by those organizations to participate in development projects in various parts of the world. The advantages to the organizations are, firstly, economic as the workers benefit from the special rates available to ICEM, and secondly, it frees them from making travel arrangements, for which they are normally not equipped. During 1973, almost 300 volunteers and development aid workers were moved to 35 different countries, mainly in Africa and Asia.

ICEM renders similar service to the ILO International Centre for Advanced Technical and Vocational Training in Italy by arranging the transport of the students to and from the Centre in Turin. During the year 577 students were moved, which brings the total number of persons assisted since the agreement was signed with ILO in 1967 to 3,676. The savings in transportation costs have been very substantial for the ILO Centre and have enabled it to increase considerably the number of scholarships.

HOW THEY WERE MOVED

Whereas in the past the principal means of transport of migrants was by sea, the trend towards air movements has accelerated in the last ten years so that the latter mode of travel in 1970 accounted already for nearly 70% and in 1973 for 95% of all transport.

Although a small number of migrants still indicated a preference for sea travel, for instance to Latin America, South Africa and Australia, it was the exception to North America, where in 1973 less than two out of each thousand persons chose to be transported by ship. This change in travel pattern is also due to the fact that the number of vessels servicing regular lines has diminished considerably as shipping companies started already some years ago to take ships out of routine services in order to operate cruises, which are more lucrative. Furthermore the strong competition of air companies and the preference shown by the public for air travel has been of considerable influence on ICEM's movements.

In past years a large proportion of the air movements of migrants were carried out by charter flights, while in addition transport took place on scheduled services for which ICEM had obtained reduced fares. As a consequence of the increasing capacity of the aircraft (jumbo jet) ICEM undertook successful negotiations for group flights on scheduled services from Europe to the United States and Canada to allow for more frequent departures which proved of advantage to the migrants.

For these groups flights from the main departure points in Europe conditions could be obtained competitive with charter prices. Charter flights were still operated to serve

those countries where such arrangements could not yet be made or where the volume of movements exceeded the possibilities of the air companies on scheduled services.

### Special Services

Language training, a service which, since 1952, ICEM has provided for well over 200,000 national and refugee migrants, has been given increasingly general recognition in recent years as one of the most important factors in the preparation of migrants for life in their new homelands. These premovement language training programmes, conducted by ICEM in Austria, Belgium, Germany, Greece, Italy, Spain, Turkey and the Lebanon in 1973, provided courses for more than 8,000 migrants. Though the great majority of these migrants, destined for movement to overseas countries, required instruction in English, classes in Spanish for refugees intending to resettle in Latin America were also provided.

The special programme of vocational and language training carried out at the Alimos Women's Training Centre in Athens, continued to operate throughout the year. The Alimos Centre, unique in this field, was built and equipped several years ago by the Greek Government and handed over to ICEM for use in the preparation of young single Greek women for emigration to Australia. It has the capacity to house and train nearly 450 migrants yearly in a range of vocational and domestic science subjects as well as English language. Due, however, to changes in migration policy during 1973, the numbers coming forward dropped markedly and only 89 trainees were enrolled. There are good hopes now, however, that operation at a much higher level will resume in 1974.

1973 saw the beginning of a new venture in the field of ICEM language training with two experimental language courses in German designed for Italians intending to go to Germany as guest-workers. One of these courses was conducted at the request and with the financial support of the Council of Europe, the other with the financial and technical cooperation of the Italian and German Governments. Both courses produced excellent results and, with the anticipated support of both Governments concerned, it is now planned to organize many more courses of this kind in Italy during 1974.

### Ten Years of Selective Migration to Latin America

Within ten years ICEM recruited, selected, moved and placed in Latin America 12,811 selected migrants, including 514 university professors and 3,628 teachers of other grades and instructors.

Though at first sight, these figures may seem small, the result of selective migration should be evaluated in qualitative terms. In addition, it has been calculated by specialists that the capital investment required for the training of a middle-level technician averages some US $20,000. In other words, the capital which the Selective Migration Programme has provided for Latin America in the form of human resources can be estimated at 260 million dollars. A highly qualified worker moreover has a "multiplier effect" on the production process of which he is part; in other words, his presence is very frequently a determining factor in the creation of new jobs.

The Selective Migration procedure is rather like an iceberg: what is seen is only a small part of the whole. The implementation of the various programmes requires a series of operations which, in themselves are complex and which call for a considerable effort. The increased requirements of the Latin American countries as regard level of skill makes it necessary to refine the recruitment machinery in order to find the most suitable candidates for essential functions in Latin America. In order to move 1,000 persons the European missions of ICEM must interview not less than 10,000.

#### Progress needs technology

High level human resources play a dominant role in the development process of many countries in the world and in particular of Latin America. Progress today needs technology and technology needs a reservoir of highly qualified workers to expand the economy and consequently to raise the standard of living. Latin America, in spite of its huge population is struggling with a shortage of highly skilled manpower which hampers the full exploitation of its rich natural resources.

How, basically, can this shortage of skilled and professional manpower be overcome? By promoting and developing education. But according to some UNESCO studies, the educational structures of Latin America cannot yet fully provide the manpower that is vitally needed. Professor Harbison of Princeton University has stated that the development of human resources must be viewed as a whole, and that it would be a mistake not to supplement education with other means that are more effective in the short term. The Latin American countries have immediate needs which, if left uncovered, impede development. The immigration of high level human resources is one immediate solution to this problem.

In the early 1960's, the Latin American Member Governments drew the attention of ICEM to this need for the importation of technology in the form of skilled manpower. Ten years ago, in 1964, on an experimental basis, 467 persons were moved by this process and in the same year the Director of ICEM submitted to the Council his conclusions on the results of the experiment and asked its approval for the establishment of a Selective Migration Programme.

#### Selective migration

The principal feature of selective migration lies in the fact that a migrant is selected both for his occupational qualifications and for his personal background and human qualities; it also means that his ability and experience are tested for a specific job and that, consequently he can start being productive as soon as he arrives in the country of his choice.

At the Council session in May 1965, a resolution was adopted requesting the Director to take the necessary steps to ensure that two meetings were held—one of the Latin American countries of ICEM, and a similar one of the European Member countries—with a view to launching the Selective Migration Programme. The Latin American Governments met in Montevideo in August 1965 and decided to request the Director of ICEM to intensify his efforts to increase the flow of selected migrants to Latin America. That Montevideo meeting was of great significance, since it was the first time that the Latin American countries adopted a common attitude to problems of migration.

In October of the same year, the representatives of the European Member Governments met in Madrid and, having considered the conclusions arrived at in Montevideo, decided to give their support to the Selective Migration Programme by permitting and facilitating the recruitment and selection in their respective countries of those qualified workers necessary for the economic, social and cultural development of the Latin American countries.

Thus, through the Montevideo and Madrid meetings, the Selective Migration Programme was officially born, and its target was the movement of 500 technicians in 1966, a figure which was to be steadily increased during the following years.

The Programme is operated through the ICEM offices in Latin America and in Western European countries.

The responsibility of the Office in Latin America is to analyze in collaboration with the competent authorities of the country concerned, the national labour market and to determine the requirements for qualified manpower which cannot be covered from the country's own manpower resources. Secondly, it consists in the receipts, placement and assistance of selected workers on their arrival in the country.

In *Europe* ICEM, in co-operation with the governments concerned, tries to meet the professional requirements and employment conditions received from Latin America. The work of the various ICEM offices is to recruit and to select suitable candidates, to counsel them concerning working and living conditions in the country of their choice, and to carry out all the formalities of documentation and transport.

ICEM's Latin American Programmes consist for a main part of the Selective Migration Programme, whose characteristics will be described hereunder. In addition to this Programme ICEM is carrying out a *Family Reunion Programme* for the transfer of family members sponsored by migrants already in Latin America as well as *Special* and *Experimental Programmes* which have the objective of assisting the Latin American countries in developing migration plans and in creating the premises for the recruitment in Europe of teachers and project leaders.

Selective Migration includes the following programmes which in ICEM terminology are called: Permanent Manpower Programme and Pre-placed Manpower Programmes.

The difference between the Permanent and Pre-placed Manpower Programmes is fundamental; it is based primarily on the way in which manpower needs are determined. In the case of the Permanent Manpower Programme requirements are established on the basis of lists of occupations prepared in collaboration with the Ministries of Labour, for which the country has a continuous demand.

Minimum salaries are fixed for the different professions, which ICEM guarantees. The candidates moved are not only received and helped by ICEM on arrival; ICEM covers their basic needs for accommodation and maintenance until they are placed in a job. And if, on placement, their salary is less than the guaranteed minimum, ICEM covers the difference during the first two years after their initial placement.

Certain variants exist within the Permanent Manpower Programme. One of these consists in the training courses organized with a view to providing additional technical and practical training to potential migrants, thus improving their level of qualifications. Such courses are organized at the Casa de America in Vigo. The Spanish Government meets all the costs and has placed the use of the Centre also at the disposal of Latin American trainees desiring to upgrade their skills.

The Pre-placed Manpower Programmes presuppose the existence of a specific job to which the candidate is assigned.

A vacancy notice is sent to the European offices and one or more candidates are selected on the basis of the specifications of that notice. The European offices draw up the curriculum vitae of the selected candidates, which are submitted to the interested universities, public institutions or private enterprises so that they can take a decision. Priority is more and more given to vacancies connected with Government planning.

The programme of sponsored manpower is a variety of pre-placement. A firm or other entity gives ICEM the name of a European candidate with whose professional and personal data it is familiar. In such case ICEM arranges for the counselling, processing and transport of the candidate.

To facilitate the operation of the Selective Migration Programme, ICEM has created two types of incentives: the Adjustment Fund and the Integration Assistance.

The Adjustment Fund originates from the Montevideo meeting at which its establishment was proposed. Its essential purpose is to compensate, at least in part, the difference between the initial salaries paid in Latin America and those which candidates enjoy in European countries. In addition, the Fund serves in certain cases to provide dependent allowances, installation grants and other benefits. Integration Assistance is designed to facilitate the initial phase of the immigrant's life in his new country. One form of this assistance is a medical and accident insurance for the migrant and his wife for one year. It protects him during the period between his arrival and the time when he becomes eligible for benefit under the national social security scheme.

In this context mention should also be made of the question of language which, being a major problem for immigrants from the north of Europe, has received ICEM's special attention. Migrants are provided with handbooks and records in Spanish or Portuguese, in order to ensure that when they arrive in the country of their destination, they will have some knowledge of the language spoken there. In Brazil, and more particularly in São Paulo, where the existence of groups of a certain size justifies this, a modern language laboratory applying the new audio-visual system of instruction has been established. Language training facilities exist also in Argentina.

SPECIAL AND EXPERIMENTAL PROGRAMMES

As already mentioned the Selective Migration Programme is supplemented by Special and Experimental Programmes, amongst which are agricultural and artisan projects.

The agricultural programmes call for the collaboration of ICEM in recruiting and selecting European farmers who have their own capital and are going to be integrated in agricultural projects in Latin America, where they will disseminate their knowledge and cultivation techniques. The running of such programmes requires the existence of an organized project with the necessary infrastructure and the provision of credit facilities. ICEM is collaborating on projects of this kind with several Latin American countries among which Argentina, Brazil and Paraguay.

In order to give interested European farmers the possibility to analyze agricultural opportunities in Argentina, ICEM has reached an agreement with the Argentinian Directorate for Migration, and with the National Institute for the Development of the Inferior Valley of Rio Negro, IDEVI.

This agreement considers the organization of special orientation courses for European agriculturists in Argentina of a duration of two to three weeks, during which participants are given detailed information on agricultural structures, commercialization of products and conditions of participation in national development projects. A first experimental course was organized in February 1973 with the participation of a group of 12 Swiss farmers, who had the opportunity to visit the Rio Negro area.

The purpose of the artisan programmes is to assist the Latin American Governments in preparing projects of artisan training and of expansion of handicraft.

Such initial and very important co-operation is followed by recruitment in Europe of artisan instructors of project leaders within the framework of ICEM selective migration. Thousands of Latin American artisans have benefiited from this programme of ICEM.

IMPACT OF SELECTIVE MIGRATION

Selective Migration has become within one decade the cornerstone of ICEM activities in Latin America. It is significant that the percentage of professionals with academic or equivalent qualifications, among the total number of selected workers moved under the Programme is on the increase.

For example the impact of university graduates and its contribution on the formation of a future professional élite may best be illustrated by the following statement of the University of Costa Rica.

The great number of qualified professionals proposed by ICEM for our Universities has allowed us to know the availability of human resources in Europe and to establish plans for development activities. The assistance of ICEM has been of inestimable value and we do hope that this will continue in the future. We do not exaggerate in saying that a good part of our success depends on ICEM's collaboration.

Selective migration has helped and continues to help to overcome technological limitations and develop certain sectors of industry and agriculture. It provides the essential human resources without which no development is possible. The progress in technology is for a main part dependent on the transfer of European qualified workers injecting their skills and knowledge in the growing economies.

It is of vital importance, as was confirmed by the Chamber of Industry of Ambato and Guayaquil of Ecuador, that we incorporate in the local industry well trained and qualified technicians to advise and to help in the realization of plans and programmes. Many industries have benefited from the Selective Migration Programme, thanks to which, they have obtained new technological methods and a higher production. The progress of the economy requires a transfer on a large scale of advanced technology as well as human and cultural contribution of people from Europe.

INTERNATIONAL COOPERATION AT THE OPERATIONAL LEVEL

An increasingly successful process of consultation and practical collaboration with various international organizations with regard to ICEM activities took place during the year 1973.

Early in January, the Director of ICEM, met UN Secretaray-General, Mr. Kurt Waldheim, and Under-Secretary-General for Political and General Assembly Affairs, Mr. Bradford Morse, in New York. The Director left with the Secretary-General a memorandum suggesting specific areas in which ICEM could co-operate or intensify its cooperation with the UN and its Specialized Agencies. The Secretary-General gave his personal support to these proposals which referred, *inter alia*, to continued close collaboration in solving international humanitarian and social problems, increased participation of ICEM in the Population Commission's activities, attendance of sessions of the UN Economic and Social Council as well as practical collaboration with such other UN offices of recent creation as the UN Disaster Relief Office (UNDRO) and the UN Volunteers Programme (UNV).

Co-operation between the Office of the UN High Commissioner for Refugees and ICEM was further strengthened, particularly with regard to the implementation of emergency programmes. In addition technical co-operation was given to that Office in its efforts to resolve critical population situations (see pages 12-13).

In March, the Director met with the Director-General of the International Labour Office (ILO) to clarify areas of mutual interest to ILO and ICEM in connexion with research and programme activities in the field of labour migration to which the ILO is giving renewed attention.

As a result, an informal working committee was established which subsequently met twice in order to review the separate activities and to discuss concrete proposals for co-operation between the two organizations.

Talks with the Director-General and senior officials of the Food and Agriculture Organization of the United Nations (FAO) led to an exchange of letters between FAO and ICEM which outlines specific areas of co-operation. A joint project was successfully carried out during the year to study, at the request of the Government of Chile, the possibilities for the development of quinoa as a milk substitute. A FAO expert undertook a survey in question under arrangements worked out by the two organizations. Other projects of co-operation in Latin America are being examined by the local representatives of both organizations.

Co-operation with the Organization of American States (OAS) was intensified. At the request of OAS, ICEM provided support and collaboration in a survey of labour migration movements and factors determining migration policy in the countries of the Andean Pact. An ICEM expert advised on the planning of the survey and ICEM representatives in the countries concerned assisted OAS officials in its implementation.

Furthermore ICEM was invited by the Minister of Labour of Venezuela to participate in a meeting of six Ministers of Labour of the Andean Group. ICEM contributed to the preparation of a multilateral agreement on migration, which provides *inter alia* for the establishment of migration offices within the Ministries of Labour and for the possibility that the existing services of ICEM in Latin America might be used for the exchange of manpower, in particular of skilled workers, among the six Andean countries.

In July the Consultative Assembly of the Council of Europe passed Resolution No. 550 concerning ICEM activities in which it invites the Committee to consider the implementation of the following projects:

(a) the drawing up of a selective intercontinental migration plan between Europe and developing countries, with specific reference to the agricultural sector;

(b) the establishment, in conjunction with the Council of Europe, of medium and long-term forecasts on migration within Europe and covering also the non-European emigration countries in the Mediterranean basin;

(c) the creation, in consultation with the other international organizations concerned, of an information centre on European and

particularly overseas migration and on the possibilities for work and reception in the countries concerned.

The Resolution also invites European governments which are Members of ICEM and the Council of Europe to give political, moral and financial support to the Committee, so that it may intensify its humanitarian activities recognizing that they frequently have economic consequences.

The implementation of these projects was under active consideration at the end of the year. Project (b) may involve not only the Council of Europe but other organizations as well, such as the European Economic Community (EEC), the Organization for Economic Co-operation and Development (OECD) and the International Labour Office (ILO). Additional collaboration with the Council of Europe was undertaken in connexion with the setting up as an experiment of several language training courses for Italian workers going abroad. Plans have also been drawn for similar courses to be given in Turkey.

Contacts were maintained during the year with the OECD and the EEC especially for the purposes of consultation and exchange of information on matters affecting European migration.

A representative of ICEM addressed the United Nations Economic and Social Council (ECOSOC) at its Fifty-fifth Session held in Geneva from 3 July to 2 August 1973. He referred to some of the organization's activities in connexion with assistance in case of natural disaster and emergency situations as well as in relation to basic development aid programmes such as that of the U.N. Development Programme (UNDP) and pledged ICEM's continued co-operation with the United Nations in these areas.

Another outstanding example of international co-operation was ICEM's participation at the request of the Government of Nicaragua, in a preliminary survey carried out in conjunction with the UN Industrial Development Organization (UNIDO) and the UNCTAD–GATT International Trade Centre. The survey's aim was to determine the technical co-operation needs, including skilled manpower requirements, with a view to drawing up a final project of assistance for the modernization and improvement of production and marketing and subsequently the promotion of exports.

This survey was successfully carried out in November 1973 by the experts designated by the three organizations and their findings and recommendations have been submitted to the Government.

STUDY AND RESEARCH

Following up on the proposals agreed upon by Member Governments for "Future activities of ICEM" and which were discussed at the 1972 Session of the Council, the study and research of various aspects of the migration phenomenon was intensified by ICEM and by ICEM in co-operation with other interested international organizations.

This has been done with the primary aim of strengthening current operational programmes and of preparing the ground for other programmes in response to new migratory trends and additional needs for international assistance.

*ICEM Seminar on Adaptation and Integration of Permanent Immigrants.* During the 35th Session of the Council in December 1972 it was suggested that ICEM should prepare a blueprint for research into questions related to the integration of permanent immigrants. The research might be considered at a seminar ICEM might organize in Co-operation with interested Member Governments.

At a preparatory meeting convened in Geneva in May 1973, it was decided to organize such seminar in Geneva from 29–31 May 1974 and a small preparatory committee was set up composed of the following countries: Argentina, Belgium, Ecuador, Israel, Norway and the United States of America. The preparatory committee agreed that the Seminar should concentrate on the following subjects: information, orientation and counselling, language training, vocational training and educational adaptation.

Five Governments have each agreed to make available an expert to prepare in consultation with ICEM a basic study; other governments are submitting papers on specific items based on their national experiences. Some other international organizations will also contribute papers reflecting their research and/or activities in relation to the subjects under discussion.

It is hoped that the findings of this Seminar may lead to some practical action at national and international level with a view to solving some of the problems connected with the adaptation and integration of permanent immigrants.

*Seminar on Demographic Research in relation to International Migration.* Following recommendations made by the U.N. Population Division, ICEM collaborated in the preparation of an international migration Seminar which will be organized by the Committee for international Co-ordination of National Research in Demography (CICRED) in Buenos Aires early in 1974. ICEM will contribute with a study on spontaneous migration, assisted migration and international co-operation; it will also present an analysis of international migration trends. The results of this seminar will be brought forward at the World Population Conference of the United Nations to be held in Bucharest in August 1974.

ICEM was also represented at the 1973 CICRED Seminar on Demographic Research in relation to Population Growth Targets which was held in Port of Spain (Trinidad).

*Meetings of the United Nations Population Commission.* ICEM participated in two meetings of the UN Population Commission which were held in March and November 1973. Both sessions were geared mainly to planning and reviewing work connected with the World Population Year 1974 and in preparing for the World Population Conference.

Since international migration is a subject which will be discussed at the World Population Conference, ICEM has stressed the increasing need and possibilities for more orderly channelling and organizing of migration. Human and social problems may be eased and economic development promoted by these means as far as world population movements are concerned.

Close contacts were maintained in connexion with activities related to the celebration of the World Population Year in 1974 with the United Nations Population Division and the UN Fund for Population Activities.

*Working Group on Health Aspects of Labour Migration in Algiers.* The meeting of this working group was organized by the World Health Organization (WHO) in November 1973 to consider important factors deriving from the migration process, such as the general health of migrants before departure and health conditions during transportation. ICEM was invited to report on its extensive operational experience, particularly in the post World War II period when health problems were even more pressing.

It was recognized that special health problems were involved in spontaneous migration of persons from the Mediterranean Basin.

The ICEM representative proposed and a survey on health questions connected with spontaneous migration might be carried out by following up a selected group of migrants going to Europe until their final return home.

*Seminar on Refugee Resettlement and Placement in Addis Ababa.* ICEM was invited to take part in this seminar which was organized from 26 November–2 December 1973 by the Organization of African Unity (OAU) in collaboration with the Bureau of Placement and Education for African Refugees (BPEAR). Apart from the main discussions on education, training, employment, legal problems and social counselling, questions of a more efficient organizational structure were the central points of discussion.

The ICEM representative outlined ICEM's work and results obtained, especially in connexion with refugee assistance and the placement of selected migrants and mentioned as possible areas of co-operation: the temporary attachment to ICEM of OAU officials to acquaint themselves with operational procedures, the exchange of information on migration research; and further assistance which ICEM could provide in emergency situations.

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ICEM INFORMS

ICEM regularly informs its Member Governments, international, governmental and non-governmental agencies, as well as various institutions interested in the migration phenomenon, on its activities and achievements.

PUBLICATIONS

The publication *Review of Achievements 1972* was distributed in English, French and Spanish in order to provide general information on various aspects of ICEM's work. A revised and up-to-date edition of *ICEM in Facts* in English, French and Spanish was also issued giving an outline of ICEM's structure, financing, activities, special programmes and co-operation with other international organizations. A special booklet was published on ICEM's Latin American Programmes in which a description is given of the assistance to the Latin American member countries with regard to the provision of highly qualified workers.

In the quarterly *International Migration* various problems of a more scientific nature in connexion with international migratory movements were analysed by various well-known authors in the demographic and sociological field. Illustrated feature stories on the practical results of ICEM operations appear in the magazine *People for Progress*, issued in English/Spanish and English/French.

INFORMATION FOR MIGRANTS

As regards migrant information on Latin America, special emphasis has been given to producing material particularly useful to highly skilled candidates considering employment possibilities in that continent.

The ICEM series now includes booklets and fact sheets on Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Dominican Republic, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru and Uruguay, while a booklet on Venezuela is in preparation.

In addition, ICEM issued for several countries special pamphlets with a concise description of labour rules and the social security system.

This material is constantly under revision in order to ensure that candidates receive accurate information, which is essential in connexion with the implementation of their migration plans.

NEWS BULLETIN

One issue of the information bulletin *News of ICEM* was published during the year 1973 and was devoted to the Ugandan Asians emergency operation.

PRESS, RADIO, TELEVISION

Special emphasis was placed on relations with the mass communication media to keep public opinion informed of the main current and special activities of the organization. Three topics attracted the attention of the press, radio and television, namely the resettlement of Ugandan Asians who found themselves in a transit country in Europe from where they subsequently emigrated to a country of permanent asylum; the emigration of Jews from USSR, and the emergency operation undertaken to evacuate from Chile foreign refugees under the mandate of UNHCR and Chilean nationals who had received temporary asylum in various embassies in Santiago.

A total of 16 press releases were issued by the Headquarters Press Information Services and distributed to public information media. Liaison was maintained in Geneva with the representatives of the world press, and the Chief of the Press Information Services participated in weekly briefings organized at the office of the United Nations in Geneva. As in previous years, several interviews of the Director, the Deputy Director and senior ICEM officials were broadcast by European radio stations. Additionally, assistance and facilities were granted to journalists wishing to witness ICEM's operations and to report on them in leading European newspapers. Particular interest was also shown by the press, radio and television on the arrival in Geneva of ICEM's one millionth refugee.

The promotion of the Selective Migration Programme was the subject of newspaper articles, mainly European migrant success stories, the publication of which was arranged by Headquarters Press Information Services in co-operation with selected journalists. For example, a special correspondent of the "Osservatore Romano" published feature articles in the Italian press on ICEM activities in Brazil.

Simultaneously the ICEM Public Information Officer in Latin America organized information campaigns in various countries of Central and South America to call the attention of industrialists and employers to the opportunities offered by ICEM to obtain the European highly skilled personnel required to foster the economic and social development of their countries.

Co-operation was maintained with the Press and Information Services of the member governments and the international organizations, in particular on the occasion of a session held in Geneva by the Council of Europe, Population and Refugee Commission.

During the year a total of approximately 500 articles dealing with ICEM operations appeared in 122 newspapers of 36 countries.

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STRUCTURE AND ADMINISTRATION OF ICEM

All Member Governments are represented in the Council, whose function as the supreme body of ICEM is to determine the policies of the organization, review its financing and operational programmes and give directives for future activities. In 1973 one session took place, from 3 to 5 December, under the chairmanship of Mr. Augusto Lognani (Uruguay).

The major problem affecting the financing of ICEM during the year was the fluctuating values of the major European currencies vis-a-vis the U.S. dollars, and which had its inevitable adverse effect upon the Administrative and Operational Budgets which are dollar-denominated. Members of the Council noted however with satisfaction the efforts of the Director to reduce costs and at the same time to maintain the operational efficiency of the organization, in this respect it was the view of many delegations that ICEM, despite all the vicissitudes it is undergoing today, continues to be an indispensable international instrument for rendering services to national migrants and refugees.

Many delegates mentioned the efficient participation of ICEM in recent humanitarian emergency programmes which made it necessary to give immediate emigration assistance to refugees. The delegate of Switzerland, commending ICEM's role in providing assistance to Asians expelled from Uganda and refugees from Chile, and I know of no other organization which has the same skill and experience as ICEM in dealing with the (refugee) problem.

Representatives of Latin American countries expressed not only their support of the programmes of selective migration, but their desire that they be expanded. Although they were fully aware of the overemployment situation in Europe, the transfer of qualified workers from Europe to Latin America would be of inestimable value for the expansion of their economy. The representative of Colombia noted that ICEM is also contributing its great experience to the solution of the many problems raised by the migration of workers from one Latin American country to another.

Delegates expressed regret at the withdrawal from membership of Australia, effective 31 December 1973, which will have a considerable influence to both the Administrative and Operational Budgets. In order to mitigate the loss of the Australian contribution the Director of ICEM will be obliged to review the organization of the Administration.

The Council established a working group composed of ten Governments to undertake a review early in 1974 of the scale of contributions to the administrative and operational parts of the Budget and to prepare recommendations for consideration by the Executive Committee and Council.

The re-admittance of Venezuela as a full member was welcomed while the Council granted observer status to the International Council on Social Welfare (ICSW).

The Executive Committee met twice during the year—in May, when it convened in special session at the invitation of the Council to review matters normally coming within the Council's competence—and in November, when its primary task was to prepare the work of the Council.

The Sub-Committee on Budget and Finance, composed of 5 Member Governments, and the Sub-Committee on the Co-ordination of Transport held detailed discussions on matters falling within their term of reference.

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MEMBER GOVERNMENTS, OBSERVER GOVERNMENTS AND INTERNATIONAL GOVERNMENTAL AND NONGOVERNMENTAL ORGANIZATIONS ATTENDING THE ICEM COUNCIL MEETINGS (1973)

*Member governments*

Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Chile, Colombia, Costa Rica, Denmark, and Dominican Republic.

Ecuador, El Salvador, Germany, Federal Republic of, Greece, Honduras, Israel, Italy, Luxembourg, Malta, Netherlands, and Nicaragua.

Norway, Panama, Paraguay, Peru, South Africa, Spain, Switzerland, United States of America, Uruguay, and Venezuela.

*Observer governments*

Cyprus, Guatemala, Holy See, Japan, Portugal, San Marino, Sovereign Order of Malta, and Turkey.

*International governmental organizations*

United Nations.
International Labour Organization.
Food and Agriculture Organization of the United Nations.
United Nations Educational, Scientific and Cultural Organization.
World Health Organization.
International Bank for Reconstruction and Development.
Inter-Governmental Maritime Consultative Organization.
Council of Europe.
Organisation for Economic Co-operation and Development.
Commission of the European Communities.
Organization of American States.
Inter-American Development Bank.
International Secretariat for Volunteer Service as well as the United Nations High Commissioner for Refugees and the Special Representative of the Council of Europe for National Refugees and Overpopulation.

*International nongovernmental organizations:*

International Confederation of Free Trade Unions.
International Council on Social Welfare.
International Organization of Employers.
World Confederation of Labour.
International Council of Voluntary Agencies.
Commission of the Churches on International Affairs.
Swiss Aid Abroad.
CARE Inc.
Catholic Relief Services.
International Catholic Migration Commission.
International Labour Assistance.
International Rescue Committee.
International Social Service.
League of Red Cross Societies.
Lutheran World Federation.
Tolstoy Foundation Inc.
United HIAS Service.
United Ukranian American Relief Committee.
World Council of Churches.
International Committee of the Red Cross.

ADDRESSES

Headquarters: ICEM, 9 rue du Valais, 1211 Geneva 14, Switzerland. 32 36 00.

Argentina: CIME, Tucuman 637, 9° piso, Buenos Aires. 392–1344.

Australia: ICEM, City Mutual Building, 7th Floor, 8–14 Hobart Place, Canberra City. 49–1277.

Austria: ICEM, Rudolfsplatz 6, Vienna. 63 37 55.

Belgium: CIME, 9 rue Bréderode, 1000 Brussels. 13 94 16.

Bolivia: CIME, Edificio "Avenido", 7° piso, Avenida 16 de Julio, La Paz. 2–4589.

Brazil: CIME, Rua Barão do Flamengo 22, 3rd floor, Flamengo, Rio de Janeiro. 245–8040.

Chile: CIME, Edificio España, Calle Estado 337, 6° piso, Oficinas 618–619, Santiago de Chile. 35–481.

Colombia: CIME, Edificio Seguros Bolivar, Carrera 12–No. 71–13, Oficinas 905–906 Bogota. 35 12 82.

Costa Rica: CIME, Edificio Claraliz, 3er piso, Avenida 5 entre calles 1 y 3, San José. 21 35 49.

Dominican Republic: CIME, Edificio Asociación de Industrias Ave. Ciudad de Sarasota 4, Santo Domingo. 533–2880.

Ecuador: CIME, Veintimilla 1048 y 9 de Octubre, Quito. 520–333.

El Salvador: CIME, 11 Ave. Nte. 240. San Salvador. 22–4214.

Federal Republic of Germany: ICEM, Friedrichstrasse 10, Bonn-Bad Godesberg. 364–051.

Greece: ICEM, Dodekanissou Street, Agios Panteleimon, Alimos, Athens. 9919–040.

Guatemala: CIME, 17 Calle "A", 3–53 Zona 10, Guatemala City. 68 20 50.

Honduras: CIME, Edificio Bancahsa, 5° piso, Oficina 503. Tegucigalpa D.C. 2–7102.

Hong Kong: ICEM, Metropole Building, 5th floor, 57, Peking Road, Kowloon Hong Kong. 3–670037.

Luxembourg: CIME, 43 rue Adolphe, Luxembourg.

Nicaragua: CIME, Edificio Cámara de Industrias de Nicaragua de las Oficinas de USIG. Managua. 60393.

Norway: ICEM, Prof. Dahlsgate 1, Oslo 3 60 3942.

Panama: CIME, Avenida Cuba 33A–34. Primer Alto, Oficina 15, Panamá, R.P. 25–1285.

Paraguay: CIME, 171, 25 de Mayo, 2° piso, Asunción. 46 914.

Peru: CIME, Camino Real 1214, 6° piso, Lima 27. 40–7403.

Republic of South Africa: ICEM, Thibault House, Room 747, 225 Pretorius Street, Pretoria. 28025.

Spain: CIME, Montalbán 5, 1° derecha, Madrid 14. 232 61 20.

United States of America: ICEM, 1346 Connecticut Avenue, Suite 711, Washington, D.C., 20036. 785–1909.

Uruguay: CIME, Juncal 1305, 9° piso, Oficina 902, Montevideo. 91 72 85.

Venezuela: CIME, Final Avenida Alameda, Quinta Caritas, El Retiro (El Rosal), Caracas 106. 33–0635.

## ICEM IN STATISTICS

### NATIONAL MIGRANTS AND REFUGEES MOVED TO RECEIVING COUNTRIES FROM 1952–73

| | Grand total | Immigration countries (excluding Latin America) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Total | Australia | Canada | Israel | New Zealand | South Africa | United States | Other overseas | Europe |
| Total migration | 2,002,200 | 1,654,950 | 627,358 | 205,088 | 312,269 | 19,193 | 65,148 | 348,544 | 8,615 | 68,735 |
| National migration | 957,043 | 641,099 | 428,685 | 98,927 | 1,473 | 16,357 | 54,243 | 33,873 | 7,541 | |
| Refugee migration | 1,045,157 | 1,013,851 | 198,673 | 106,161 | 310,796 | 2,836 | 10,905 | 314,671 | 1,074 | 68,735 |

| | Grand Total | Immigration countries (Latin America) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Total | Argentina | Bolivia | Brazil | Chile | Colombia | Ecuador | Paraguay | Peru | Uruguay | Venezuela | Central America, Panama and the Caribbean |
| Total migration | 2,002,200 | 347,250 | 120,463 | 1,152 | 113,156 | 9,186 | 7,393 | 1,147 | 1,017 | 2,473 | 14,111 | 73,550 | 3,602 |
| National migration | 957,043 | 315,944 | 116,484 | 726 | 95,595 | 6,399 | 6,457 | 1,034 | 583 | 2,280 | 13,652 | 70,159 | 2,575 |
| Refugee migration | 1,045,157 | 31,306 | 3,979 | 426 | 17,561 | 2,787 | 936 | 113 | 434 | 193 | 459 | 3,391 | 1,027 |

### NATIONAL MIGRATION BY SENDING AND RECEIVING COUNTRY

| Countries of origin | Grand total | Immigration countries (excluding Latin America) | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Total | Australia | Canada | Israel | New Zealand | South Africa | United States | Other overseas |
| Austria | 36,953 | 35,586 | 22,087 | 5,914 | 204 | 361 | 5,684 | 1,105 | 231 |
| Belgium | 9,737 | 7,686 | 3,414 | 84 | 14 | 36 | 3,945 | 138 | 55 |
| Germany | 125,204 | 121,612 | 68,660 | 35,215 | 148 | 219 | 10,557 | 6,697 | 116 |
| Greece | 140,461 | 132,320 | 113,954 | 5,773 | 165 | 626 | 8,557 | 2,582 | 663 |
| Italy | 320,404 | 113,308 | 62,026 | 31,582 | 462 | 15 | 12,068 | 3,066 | 4,089 |
| Malta | 56,045 | 56,028 | 51,495 | 3,057 | | 72 | | 1,404 | |
| Netherlands | 140,636 | 137,547 | 88,690 | 737 | 115 | 15,013 | 13,414 | 17,909 | 1,669 |
| Spain | 101,904 | 13,632 | 11,941 | 1,139 | 11 | 6 | 3 | 328 | 204 |
| Others | 25,699 | 23,380 | 6,418 | 15,426 | 354 | 9 | 15 | 644 | 514 |
| Total national migration | 957,043 | 641,099 | 428,685 | 98,927 | 1,473 | 16,357 | 54,243 | 33,873 | 7,541 |

### NATIONAL MIGRATION BY SENDING AND RECEIVING COUNTRY

| Countries of Origin | Grand total | Immigration countries (Latin America) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Total | Argentina | Bolivia | Brazil | Chile | Colombia | Ecuador | Paraguay | Peru | Uruguay | Venezuela | Central America, Panama and the Caribbean |
| Austria | 36,953 | 1,367 | 61 | 76 | 1,014 | 40 | 64 | 2 | 5 | 8 | | 63 | 34 |
| Belgium | 9,737 | 2,051 | 121 | 44 | 1,012 | 195 | 193 | 52 | 44 | 98 | 9 | 157 | 126 |
| Germany | 125,204 | 3,592 | 152 | 50 | 1,921 | 634 | 198 | 71 | 13 | 132 | 55 | 294 | 72 |
| Greece | 140,461 | 8,141 | 828 | | 6,996 | 50 | 33 | | | | 62 | 161 | 11 |
| Italy | 320,404 | 207,096 | 95,815 | 55 | 56,134 | 2,771 | 1,971 | 217 | 112 | 546 | 7,060 | 41,849 | 566 |
| Malta | 56,045 | 17 | | | 13 | 2 | | | | 2 | | | |
| Netherlands | 140,636 | 3,089 | 107 | 5 | 2,785 | 70 | 44 | 3 | 2 | 12 | 10 | 17 | 34 |
| Spain | 101,904 | 88,272 | 19,045 | 482 | 24,969 | 2,425 | 3,596 | 542 | 386 | 1,234 | 6,437 | 27,566 | 1,590 |
| Others | 25,699 | 2,319 | 355 | 14 | 751 | 212 | 358 | 147 | 21 | 248 | 19 | 52 | 142 |
| Total national migration | 957,043 | 315,944 | 116,484 | 726 | 95,595 | 6,399 | 6,457 | 1,034 | 583 | 2,280 | 13,652 | 70,159 | 2,575 |

### REFUGEE MIGRATION BY SENDING AND RECEIVING COUNTRY

| Countries of departure and status of refugees therein | Grand total | Immigration countries (excluding Latin America) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Total | Australia | Canada | Israel | New Zealand | South Africa | USA | Other overseas | Europe |
| Austria | 327,495 | 322,406 | 70,330 | 39,821 | 107,152 | 1,265 | 4,373 | 65,618 | 124 | 33,723 |
| Asylum | 221,165 | 216,098 | 69,901 | 39,580 | 2,385 | 1,262 | 4,368 | 65,113 | 124 | 33,665 |
| Transit | 106,330 | 106,308 | 429 | 241 | 105,067 | 3 | 5 | 505 | | 58 |
| Belgium | 13,190 | 13,038 | 674 | 3,021 | 900 | 16 | 140 | 8,260 | 19 | 8 |
| Asylum | 11,628 | 11,477 | 674 | 2,466 | 184 | 16 | 140 | 7,975 | 14 | 8 |
| Transit | 1,562 | 1,561 | | 555 | 716 | | | 285 | 5 | |

| Countries of departure and status of refugees therein | Grand total | Immigration countries (excluding Latin America) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Total | Australia | Canada | Israel | New Zealand | South Africa | USA | Other overseas | Europe |
| France | 89,836 | 88,099 | 3,507 | 8,674 | 56,007 | 29 | 46 | 19,570 | 18 | 248 |
| Asylum | 34,023 | 32,415 | 3,368 | 5,560 | 4,668 | 29 | 46 | 18,701 | 17 | 26 |
| Transit | 55,813 | 55,684 | 139 | 3,114 | 51,339 | | | 869 | 1 | 222 |
| Germany | 159,659 | 155,552 | 35,270 | 25,654 | 363 | 302 | 3,799 | 88,344 | 89 | 1,731 |
| Asylum | 158,779 | 154,692 | 34,924 | 25,363 | 338 | 302 | 3,796 | 88,196 | 89 | 1,684 |
| Transit | 880 | 860 | 346 | 291 | 25 | | 3 | 148 | | 47 |
| Greece | 34,921 | 33,625 | 3,773 | 1,065 | 19,093 | 239 | 796 | 6,892 | 16 | 1,751 |
| Asylum | 15,405 | 14,114 | 3,589 | 1,049 | 77 | 237 | 750 | 6,651 | 16 | 1,745 |
| Transit | 19,516 | 19,511 | 184 | 16 | 19,016 | 2 | 46 | 241 | | 6 |
| Italy | 246,223 | 236,424 | 64,317 | 14,269 | 97,987 | 375 | 394 | 47,227 | 61 | 11,794 |
| Asylum | 102,901 | 96,724 | 23,927 | 12,991 | 2,447 | 236 | 361 | 45,959 | 58 | 10,715 |
| Transit | 143,322 | 139,700 | 40,390 | 1,278 | 95,510 | 139 | 33 | 1,268 | 3 | 1,079 |
| Netherlands | 2,015 | 1,941 | 426 | 1,044 | 65 | 36 | 31 | 339 | | |
| Asylum | 1,040 | 967 | 405 | 141 | 57 | 24 | 31 | 309 | | |
| Transit | 975 | 974 | 21 | 903 | 8 | 12 | | 30 | | |
| Spain | 44,397 | 43,437 | 299 | 111 | 14 | | 2 | 42,982 | 17 | 12 |
| Asylum | 44,333 | 43,373 | 299 | 66 | 2 | | 2 | 42,975 | 17 | 12 |
| Transit | 64 | 64 | | 45 | 12 | | | 7 | | |
| Other European countries | 52,312 | 51,766 | 3,530 | 7,396 | 25,018 | 109 | 90 | 9,962 | 56 | 5,605 |
| Asylum | 31,154 | 30,609 | 3,490 | 6,568 | 5,486 | 109 | 89 | 9,207 | 56 | 5,604 |
| Transit | 21,158 | 21,157 | 40 | 828 | 19,532 | | 1 | 755 | | 1 |
| Moved from points outside Europe | 32,824 | 32,337 | 6,552 | 3,965 | 3,665 | 77 | 1,228 | 10,297 | 56 | 6,497 |
| Far East Progr | 21,513 | 15,243 | 9,957 | 311 | 532 | 236 | 6 | 586 | 429 | 3,186 |
| Non-European refugees | 13,798 | 13,593 | 14 | 61 | | 76 | | 12,741 | 85 | 616 |
| Special operation for Asians ex Uganda | 4,665 | 4,618 | 20 | 764 | | 76 | | 1,853 | 103 | 1,802 |
| Special program from Chile | 2,309 | 1,772 | 4 | 5 | | | | | 1 | 1,762 |
| Total refugee migration | 1,045,157 | 1,013,851 | 198,673 | 106,161 | 310,796 | 2,836 | 10,905 | 314,671 | 1,074 | 68,735 |

## REFUGEE MIGRATION BY SENDING AND RECEIVING COUNTRY

| Countries of departure and status of refugees therein | Grand total | Immigration Countries (Latin America) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Total | Argentina | Bolivia | Brazil | Chile | Colombia | Ecuador | Paraguay | Peru | Uruguay | Venezuela | Central America, Panama and the Caribbean |
| Austria | 327,495 | 5,089 | 1,189 | 5 | 2,199 | 443 | 240 | 1 | 15 | 9 | 77 | 867 | 44 |
| Asylum | 221,165 | 5,067 | 1,188 | 5 | 2,183 | 443 | 237 | 1 | 15 | 7 | 77 | 867 | 44 |
| Transit | 106,330 | 22 | 1 | | 16 | | 3 | | | 2 | | | |
| Belgium | 13,190 | 152 | 17 | | 103 | 9 | 9 | | 1 | | 3 | 9 | 1 |
| Asylum | 11,628 | 151 | 16 | | 103 | 9 | 9 | | 1 | | 3 | 9 | 1 |
| Tranist | 1,562 | 1 | 1 | | | | | | | | | | |
| France | 89,836 | 1,737 | 233 | 37 | 877 | 179 | 14 | | 15 | 3 | 121 | 209 | 49 |
| Asylum | 34,023 | 1,608 | 221 | 34 | 778 | 175 | 14 | | 15 | 3 | 110 | 209 | 49 |
| Tranist | 55,813 | 129 | 12 | 3 | 99 | 4 | | | | | 11 | | |
| Germany | 159,659 | 4,107 | 290 | 109 | 2,246 | 510 | 78 | 31 | 151 | 66 | 104 | 486 | 36 |
| Asylum | 158,779 | 4,087 | 288 | 109 | 2,236 | 506 | 75 | 31 | 151 | 66 | 104 | 486 | 35 |
| Transit | 880 | 20 | 2 | | 10 | 4 | 3 | | | | | | 1 |
| Greece | 34,921 | 1,296 | 178 | 1 | 1,003 | 31 | 17 | | | | 2 | 64 | |
| Asylum | 15,405 | 1,291 | 178 | 1 | 998 | 31 | 17 | | | | 2 | 64 | |
| Transit | 19,516 | 5 | | | 5 | | | | | | | | |
| Italy | 246,223 | 9,799 | 1,383 | 102 | 5,460 | 1,141 | 512 | 26 | 61 | 33 | 121 | 926 | 34 |
| Asylum | 102,901 | 6,177 | 473 | 86 | 3,283 | 997 | 377 | 26 | 59 | 25 | 76 | 756 | 19 |
| Transit | 143,322 | 3,622 | 910 | 16 | 2,177 | 144 | 135 | | 2 | 8 | 45 | 170 | 15 |
| Netherlands | 2,015 | 74 | 18 | 10 | 28 | 2 | | | | | 10 | | 6 |
| Asylum | 1,040 | 73 | 18 | 10 | 27 | 2 | | | | | 10 | | 6 |
| Transit | 975 | 1 | | | 1 | | | | | | | | |
| Spain | 44,397 | 960 | 18 | | 43 | | 29 | 12 | 3 | 3 | 1 | 449 | 402 |
| Asylum | 44,333 | 960 | 18 | | 43 | | 29 | 12 | 3 | 3 | 1 | 449 | 402 |
| Transit | 64 | | | | | | | | | | | | |
| Other European countries | 52,312 | 546 | 270 | 7 | 133 | 32 | 2 | 4 | 10 | 2 | 13 | 68 | 5 |
| Asylum | 31,154 | 545 | 270 | 7 | 132 | 32 | 2 | 4 | 10 | 2 | 13 | 68 | 5 |
| Transit | 21,158 | 1 | | | 1 | | | | | | | | |
| Moved from points outside Europe | 32,824 | 487 | 31 | | 232 | 8 | 9 | | | | | 171 | 36 |
| Far East Progr | 21,513 | 6,270 | 280 | 102 | 5,080 | 432 | 15 | 16 | 178 | 37 | 7 | 121 | 11 |
| Non-European refugees | 13,798 | 205 | 32 | | 131 | | 1 | | | 29 | | 5 | 7 |
| Special operation for Asians ex Uganda | 4,665 | 47 | 14 | | 26 | | 7 | | | | | | |
| Special program from Chile | 2,309 | 537 | 26 | 53 | | | 3 | 23 | | 11 | | 24 | 396 |
| Total refugee migration | 1,045,157 | 31,306 | 3,979 | 426 | 17,561 | 2,787 | 936 | 113 | 434 | 193 | 459 | 3,391 | 1,027 |

## 10 YEARS OF SELECTIVE MIGRATION TO LATIN AMERICA

| Occupational classification | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 | 1970 | 1971 | 1972 | 1973 | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Professional occupations | 128 | 211 | 317 | 376 | 648 | 615 | 696 | 778 | 844 | 734 | 5,347 |
| University teachers | 32 | 29 | 25 | 42 | 63 | 27 | 39 | 84 | 91 | 82 | 514 |
| Other teachers and instructors | 90 | 161 | 275 | 307 | 494 | 504 | 565 | 441 | 421 | 370 | 3,628 |
| Engineers and other professional occupations | 6 | 21 | 17 | 27 | 91 | 84 | 92 | 253 | 332 | 282 | 1,205 |
| Subprofessional occupations | 70 | 120 | 191 | 348 | 637 | 784 | 536 | 394 | 428 | 307 | 3,815 |
| Engineering technicians | 23 | 41 | 115 | 220 | 386 | 420 | 251 | 113 | 136 | 118 | 1,823 |
| Draughtsmen | 5 | 12 | 5 | 16 | 48 | 69 | 27 | 33 | 31 | 32 | 278 |
| Other subprofessional occupations | 42 | 67 | 71 | 112 | 203 | 295 | 258 | 248 | 261 | 157 | 1,714 |
| Highly skilled and skilled workers | 269 | 196 | 193 | 294 | 510 | 479 | 355 | 483 | 526 | 344 | 3,649 |
| Farmers, fishermen | 128 | 69 | 52 | 65 | 51 | 36 | 31 | 42 | 16 | 17 | 507 |
| Textile, leather product workers | 9 | 13 | 13 | 33 | 25 | 49 | 28 | 20 | 22 | 14 | 226 |
| Metal, electrical workers | 95 | 84 | 85 | 132 | 255 | 215 | 129 | 221 | 221 | 111 | 1,548 |
| Woodworkers | 13 | 8 | 13 | 10 | 18 | 22 | 19 | 20 | 28 | 12 | 163 |
| Other workers | 24 | 22 | 30 | 54 | 161 | 157 | 148 | 180 | 239 | 190 | 1,205 |
| Total | 467 | 527 | 701 | 1,018 | 1,795 | 1,878 | 1,587 | 1,655 | 1,798 | 1,385 | 12,811 |

## UNITED STATES VERSUS SOVIET TECHNOLOGY

Mr. PROXMIRE. Mr. President, I commend to the Senate the recent issue of the Defense Monitor published by the Center for Defense Information. This particular subject comes at an extremely propitious time.

The May issue deals with the subject of U.S. strategic momentum.

All too often we hear about Soviet successes in the missile field. We are told how strong the U.S.S.R. is becoming, how inexorable their programs are.

The truth is weapons programs in both countries have a momentum of their own.

That makes it imperative that we judge very closely which power really is ahead in the arms race. Are we ahead or are the Soviets ahead? Or does it make any difference at this point of overkill?

Many answers to these questions flow from the latest Defense Monitor. Of particular interest will be the section dealing with strategic weapons milestones. That shows that the United States first deployed carrier based aircraft with nuclear weapons in 1950. The Soviet Union has yet to do so.

The United States first deployed forward based aircraft with nuclear weapons in the early 1950's. The U.S.S.R. cannot do so due to geographical limitations.

The United States first tried out the submarine cruise missile concept in 1954 or 18 years before the U.S.S.R. went to this idea. By that time we had decided it was not a very good idea after all.

The United States deployed its first nuclear powered strategic submarine in 1960, 8 years before the U.S.S.R. We used the reliable solid propellants for missiles starting in 1962 while the U.S.S.R. did not begin until 1968.

Our synchronous orbit satellites were deployed in 1963. It took the U.S.S.R. until 1974.

There are many such examples of U.S. technical excellence. We must keep technology in the proper perspective. We are the most advanced nation in the world technologically. The Soviets will not easily catch up with us.

While we must continue to progress and make improvements, we must also resist the temptation to believe that the U.S.S.R. will catch up and surpass us in every field as many in the military would have us believe. Technology does not always serve political purposes.

Mr. President, I commend this analysis to the Members of the Senate at this time of review of the defense budget.

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

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

### U.S. STRATEGIC MOMENTUM

### DEFENSE MONITOR IN BRIEF

"It is not helpful to us to talk ourselves into a state of mind in which we are strategically inferior." *Henry Kissinger, April 26, 1974, Secretary of State.*

"While the Soviet buildup has been worrisome, as [former Deputy Defense Secretary] David Packard has observed, 'we ourselves have not exactly been standing still.' From the AEC's standpoint I can only concur in that observation. In connection with the MIRVing program, for example, the AEC production matrix is now producing nuclear weapons at a rate six to seven times that at the start of the Nixon Administration." *James Schlesinger, September 22, 1972, Then head of the Atomic Energy Commission, Now Secretary of Defense.*

"If one looks not at launchers, but at deliverable warheads, the gap between the United States and the Soviet Union has increased during the period of the interim [SALT] agreement, and will continue to increase during the whole period of the interim agreement. And one is hit by warheads—not by launchers." *Henry Kissinger, April 26, 1974, Secretary of State.*

"I for one get weary and skeptical of the uncritical litany which somehow judges our technology in the worst possible light and theirs in the best . . . Let's not forget or discount the quality of our own military technology, a technology that has been richly funded and represents the premier product of American engineering, scientific and industrial talent. Their subs are *not* as quiet; Their missiles *not* as accurate; Their warheads *not* as efficient; Their computers *not* as advanced; Their ASW *not* as effective; Their sub-launched missiles are *not* MIRVed; Their bombers are *not* truly intercontinental." *Senator Thomas McIntyre, May 1, 1974, Chairman, Senate Armed Services Subcommittee on Military Research and Development.*

NEW UNITED STATES AND SOVIET STRATEGIC MISSILES AND NUCLEAR WEAPONS SINCE 1970

| Fiscal year | United States | | Soviet Union | |
|---|---|---|---|---|
| | Missiles | Nuclear weapons | Missiles | Nuclear weapons |
| ICBM's: | | | | |
| 1971 | 100 | 300 | 40 | 40 |
| 1972 | 100 | 300 | 0 | 0 |
| 1973 | 100 | 300 | 20 | 60(MRV) |
| 1974 | 90 | 270 | 20 | 60(MRV) |
| Total | 390 | 1,170 | 80 | 160 |
| SLBM's: | | | | |
| 1971 | 112 | 1,120 | 112 | 112 |
| 1972 | 96 | 960 | 108 | 108 |
| 1973 | 96 | 960 | 120 | 120 |
| 1974 | 64 | 640 | 72 | 72 |
| Total | 368 | 3,680 | 412 | 412 |
| Grand total | 758 | 4,850 | 492 | 572 |

Note: During this period since 1970 the United States has also deployed about 1,000 SRAM missiles on its strategic bombers The Soviets have deployed no new bomber-carried missiles..

STRATEGIC WEAPONS MILESTONES

| | United States | Soviet Union |
|---|---|---|
| Atom bomb | 1945 | 1949. |
| Intercontinental strategic bomber | 1948 | 1954-55. |
| Carrier-based aircraft with nuclear weapons | 1950 | Not to date. |
| Hydrogen bomb test | 1952 | 1953. |
| Forward land-based aircraft with nuclear weapons | Early 1950's | Not to date. |
| Submarine cruise missile | 1954 (no longer operational). | 1962. |
| ICBM test | 1958 | 1957. |
| Low-penetration bomber | 1959 | Not to date. |
| Nuclear-powered strategic submarine (16 tubes and long-range missiles). | 1960 | 1968. |
| Forward land-based missiles | 1959–60 (no longer operational). | Not to date (Cuba 1962 failed). |
| Supersonic bomber | 1960 | Not to date. |
| Heavy ICBM | 1960 | 1960. |
| High speed reentry missiles (high ballistic coefficients for accuracy). | Early 1960's | Not to date (tests 1973). |
| Forward bases for strategic submarines | 1961 | Not to date. |
| On-board computers in missiles | 1960 | Not to date (tests 1973). |
| Solid propellant ICBM's | 1962 (1,000 in 1974) | 1968 (60 in 1974). |
| Synchronous orbit satellites (for good early warning capability). | 1963 | 1974. |
| MRV testing | 1963 | 1968. |
| Penetration aids in missiles (chaff, decoys, etc.) | 1964 | Not to date. |
| MRV missiles operational | 1964 | 1973. |
| Testing of ICBM MIRV | 1968 | 1973. |
| Testing of SLBM MIRV | 1968 | Not to date. |
| ICBM MIRV operational | 1970 | Do. |
| SLBM MIRV operational | 1971 | Do. |
| Operational ABM system | Not to date (1975 planned.) | 1968–69? |

### STRATEGIC COMPARISONS

*Perceptions* of relative military capability are perhaps as important as actual relative military capabilities between the United States and the Soviet Union, says Defense Secretary Schlesinger. Paradoxically, however, it is representatives of the Defense Department who are most eloquent in exaggerating the Soviet threat and in running down and belittling U.S. strategic capabilities. The Center for Defense Information has prepared a list of strategic comparisons between the U.S. and the U.S.S.R. which indicates important U.S. advantages. These are all areas of real U.S. strength but which the Defense Department often overlooks or fails to highlight in its efforts to sell the American people and the U.S. Congress on buying new weapons systems by creating doubts about U.S. power.

*Nuclear weapons*

1. The U.S. has three times as many strategic nuclear weapons as the Soviet Union (7940 versus 2600). In 1971 the U.S. had 4700; the Soviets had 2100. The U.S. lead has increased since the SALT I agreements in 1972.

2. The U.S. is producing new strategic nuclear weapons at a rate of about 4 per day; the Soviets at a rate of probably less than 1 per day.

3. All new U.S. strategic missiles deployed since 1970 have been MIRVed. Continued U.S. MIRV deployments will mean that the U.S. lead will continue to grow at least through 1977.

4. The U.S. is superior to the Soviet Union in nuclear weapons technology. Our weapons are more efficient; we get more explosive power (bang) for the size and weight. This fact makes "throw weight" calculations almost meaningless.

*MIRV*

5. The U.S. has more than 750 operational MIRVed missiles; the Soviets do not have any. They have just begun to test the complex MIRV technology.

6. The U.S., having mastered and deployed MIRV, is moving to MaRV (maneuverable nuclear warheads) and other new advances in strategic weaponry.

*ICBMs*

7. The U.S. has fewer land-based missiles (1054 versus 1575) but Admiral Moorer, Chairman of the Joint Chiefs of Staff, estimates that over the next few years the number of Soviet ICBMs will decline toward 1400 as about 200 odd Soviet ICBMs are retired.

Soviet practice in the past has been to hang on to old missiles; U.S. practice has been to trade in the old missiles for better ones.

8. The U.S. has 1000 modern solid-propellant ICBMs with penetration aids and on-board computers. The Soviets have only 60 solid propellant missiles and no operational missiles with penetration aids and on-board computers.

9. U.S. missiles are much more accurate than Soviet missiles; we can destroy all kinds of targets, including Soviet missiles, with smaller weapons. U.S. advantages in accuracy will probably be retained for a long period because of the very advanced technology required to improve accuracy, particularly below about a quarter of a mile CEP.

*Strategic submarines*

10. The U.S. has 41 submarines that carry 16 missiles each; the Soviets have only 33 submarines that carry 16 missiles each. The U.S. has 24 submarines with MIRVed missiles; the Soviets have none. The Soviets usually have far fewer submarines actually on-station.

11. U.S. strategic submarines are quieter and less vulnerable to anti-submarine warfare than are Soviet submarines. U.S. under water technology for protecting its submarines and finding Soviet submarines is much superior to Soviet technology.

12. The U.S. has forward deployed bases for its submarines (in Scotland, Spain and Guam). The Soviets have no forward bases for submarines.

13. U.S. allies Britain and France have strategic submarines. The Soviet Union has no allies with strategic weapons.

14. The U.S. has submarine detection networks such as SOSUS for locating Soviet submarines; the Soviet Union has no such network and is at a severe geographic disadvantage for establishing such networks.

*Bombers*

15. The U.S. has almost four times as many strategic bombers as the Soviet Union (496 versus 140) and is testing a new model, the B–1. In fact, it is possible that none of the alleged Soviet strategic bombers have been configured as strategic bombers for the past 5 to 10 years.

*ABM*

16. When the U.S. ABM site in North Dakota is completed in about a year the U.S. will probably have more antiballistic missiles than the Soviet Union. U.S. ABM technology is far advanced over the Soviet Union.

*Forward based systems*

17. The U.S. has about 650 aircraft in Europe and Asia and on aircraft carriers that can deliver nuclear weapons on the Soviet Union (and China). The Soviet Union has no such "4th strategic force" for threatening the United States.

*Equivalent megatonnage*

18. The Defense Department makes much of the Soviet lead in megatonnage. The Soviet Union has in 1974 more than a 2 to 1 advantage in "raw megatons." However, when measured in equivalent megatons, which takes account of the fact that much of the explosive energy of very large weapons is wasted, the U.S. has about 4,100 equivalent megatons in its strategic forces versus about 4,300 equivalent megatons in the Soviet strategic forces.

U.S. STRATEGIC MOMENTUM: ASTONISHING BREADTH AND DEPTH

Contrary to impressions created by the Defense Department, the U.S. has not dropped out of the strategic arms race. The U.S. has not reached a technological plateau in searching for new ways to spend billions on strategic weapons. On the contrary, the U.S. is rushing forward into new realms of strategic weaponry that apparently far outstrip current Soviet efforts. In recent years, particularly since SALT I in 1972, the U.S. has been deploying new strategic weapons at a pace far in excess of that of the Soviet Union. The future holds more of the same if the DOD momentum continues. Programs that are proposed in the fiscal 1975 defense budget add up to an extraordinary variety of continuing and new strategic innovations that include the following:

1. Continued installation of MIRVed Minuteman III ICBMs to reach 550 missiles and 1650 nuclear warheads by mid-1975.

2. Continued deployment of MIRVed Poseidon submarine-launched missiles to reach 31 submarines, 496 missiles, and 4960 nuclear warheads by 1977.

3. Preparation for installing up to 1,000 MIRVed Minuteman III missiles.

4. Improving the accuracy and reliability of U.S. missiles through extensive and sophisticated testing programs.

5. Improvements in the existing guidance system for Minuteman III to increase its accuracy and hard-target kill capability.

6. Development of terminal guidance maneuverable reentry vehicles (MaRV) for Minuteman III and other missiles to achieve extremely precise delivery of nuclear weapons with almost no margin of error, could mean U.S. knock out capability against all Soviet fixed strategic systems.

7. Development of an entirely new strategic system, the air-launched cruise missile.

8. Development of an entirely new strategic system, the submarine-launched cruise missile.

9. Development of an entirely new strategic system, the land-mobile ICBM.

10. Development of an entirely new strategic system, the air-mobile ICBM.

11. Development of a new large throw weight ICBM to fit in Minuteman silo.

12. A new high-yield warhead for the Minuteman III and other advances in packing more explosive power into small packages (improved yield to weight ratios). These and other advances in miniaturizing make conventional conceptions of missile throw weight measurement almost meaningless.

13. Testing of Minuteman missiles from operational sites in order, among other objectives, to explore the possible multiple launch capability for Minuteman launchers. Exploration also of "cold launch" or "pop-up" launch techniques for attaining refire capability. This "MIRVing" of missile launchers would severely complicate efforts to control strategic weapons deployments through SALT.

14. Development of more than 3 MIRVs (possibly up to 10 warheads) for the Minuteman III missile.

15. Improvements in rocket motor technology to increase the amount of missile throw weight per pound of propellant (increased propulsion efficiency). This advancement also renders alleged Soviet throw weight "advantages" almost meaningless.

16. Improved Poseidon missiles (exact nature of improvements is classified but probably includes better accuracy and throw weight).

17. Continued deployment of the SRAM missile on U.S. strategic bombers to have 1140 operational by the mid-1970s. The SRAM missile significantly increases the capability of U.S. strategic bombers to attack Soviet military targets.

18. Development of an entirely new strategic bomber, the B–1.

19. Development of an entirely new strategic submarine, the Trident.

20. Procurement of the Trident I missile for 10 Poseidon submarines.

21. Development of an efficient counterforce SLBM, the Trident missile.

22. Improved guidance systems for SLBMs to increase their accuracy.

23. Development of an entirely new strategic submarine that will be smaller than Trident, the SSBN–X, using a Narwhal-type propulsion plant.

24. Increased emphasis on civil defense, including plans for rapid evacuation of U.S. cities and "high risk" areas in case of crisis. This will make it possible for U.S. leaders to more "credibly" threaten the use of nuclear weapons.

25. An operational ABM system in North Dakota by mid-1975.

26. Development of new ABM systems, including Site Defense, light area defense systems, maneuverable ABMs, and ABMs using lasers. Under SALT restrictions the U.S. is permitted to do anything except actually begin to deploy new operational systems beyond a total of 200 launchers.

27. A vast array of sophisticated ASW systems for locating and being able to destroy Soviet strategic submarines. These include sensor systems at points where Soviet submarines must transit, satellite sensors, and the Captor mine for bottling up Soviet submarines in or near their homeports.

28. Development of new strategic tanker armed with cruise missiles

CENTER'S ANALYSIS OF U.S. STRATEGIC COUNTERFORCE PLANS AND CAPABILITIES

Defense Secretary Schlesinger says he wants the U.S. to follow a new strategic policy that emphasizes being prepared to destroy Soviet military targets and carrying out "limited" nuclear exchanges. Schlesinger apparently believes that an enhanced U.S. capability and willingness to use nuclear weapons will increase deterrence and lessen the possibility of all out nuclear war with the Soviets. The new defense budget contains about $250 million for programs that are supposed to improve the "credibility" of U.S. strategic forces through greater flexibility, selectivity, and counterforce capability. As the Defense Department, the Congress and defense contractors become more committed to such programs, their cost will run into many billions of dollars over the next few years.

The Center for Defense Information has examined the best available unclassified information and come to the following conclusions about Secretary Schlesinger's efforts to change U.S. strategic orientations:

Tinkering with U.S. strategic doctrine can lead to confusion and doubts on the part of both friends and adversaries as to the consistency and reliability of current U.S. policy. It is particularly dangerous to use confusing debates about strategic policy as a means of putting pressure on the Soviet Union in the SALT talks. It is also dangerous to attempt to make it seem that in fact the U.S. would in the future be more likely to use its strategic nuclear weapons on behalf of allies and friends. Public emphasis on this might lead to adventuristic risk taking on the part of some.

The new strategic programs to increase the "hard-target kill" capability of U.S. missiles through improved accuracy and warhead yield are both unneeded and potentially destabilizing for the strategic balance. Secretary Schlesinger has admitted that in terms of targeting doctrine shifts and improved flexibility and options, improvements in accuracy and hard-target kill capability are not needed.

U.S. military options have always included the targeting of Soviet military forces. The capability to destroy a wide variety of military targets has existed for some years. The only capability that the U.S. has not yet developed is the capability to destroy all or a very large number of Soviet ICBM's. An emergent U.S. capability to launch a knock out strike against all Soviet fixed land-based strategic systems should be nipped in the bud.

Existing missile accuracies and numbers of strategic weapons available to be used with selectivity and flexibility are already sufficient for all purposes of deterrence. The U.S. already has a sufficient counterforce capability.

Projections of future Soviet counterforce capabilities around 1980 and later are very speculative and probably weak grounds for U.S. force planning. The Soviets are most unlikely to fulfill the worst-case projections of Secretary Schlesinger about MIRVing of of more than 1,000 of highly accurate new large missiles. Such projections probably have been made for diplomatic and political purposes, in order to pressure the Soviets at SALT and sell Congress on new U.S. weapons, and should not be taken seriously. Schlesinger himself has already disowned the exaggerations made by former Defense Secretary Laird in 1969 about the Soviet SS–9 and Soviet first strike capability.

Further additions to U.S. counterforce capability will only raise fears that the U.S. deliberately seeks a disarming first-strike capability against the Soviet Union. However groundless such fears might be to the "objective" observer, the obvious lesson of past military planning and political reaction is that significant fears and doubts will be raised about U.S. strategic intentions. In time of crisis the possibility that either side will use nuclear weapons would be increased because of fears that the other would strike first.

Modifications of U.S. strategic policy toward destruction of Soviet military forces will make it more difficult to achieve reductions in Soviet and U.S. strategic weapons in the SALT II talks. Secretary Schlesinger's efforts to pressure the Russians into accepting an agreement on DoD's terms by threatening a vast escalation of U.S. strategic programs and a major counterforce capability may already have harmed the progress of the SALT talks.

Rather than engaging in a competition over who can destroy more targets, the U.S. and the Soviet Union should negotiate reductions in vulnerable weapons and reach agreements to preserve the invulnerability of sea-based forces. At a minimum, the U.S. should cease expanding its strategic forces under the guise of a new policy of "flexibility" and counterforce.

THROUGH THE LOOKING GLASS: "GOOD" U.S. WEAPONS VERSUS "BAD" SOVIET WEAPONS

Our ABM is stabilizing.

Our MIRV does not stimulate the arms race.

Our accuracy improvements improve selectivity and flexibility.

Our forward based nuclear systems (in Europe and Asia) are necessary.

Our policy of attacking military targets is a moral improvement in strategic policy.

Our ASW activities are not threatening.

Soviet ABM is destabilizing.

Soviet MIRV threatens first strike.

Soviet accuracy improvements threaten U.S. deterrent.

Soviet forward leased nuclear systems (e.g. Cuba 1962), threaten world peace.

Soviet policy of attacking military targets indicates first strike intentions.

Soviet ASW activities cause great alarm and need for Trident.

U.S. MAKING EXTENSIVE EFFORTS TO IMPROVE MISSILE ACCURACY

*Studying and measuring density of the air*

"Because density of the air has a great influence over the inaccuracies of a reentry vehicle. By these tests we hope to get some standard patterns so we might even be able to forecast density in target areas under hot war conditions, thus by using this data improve the accuracies of our ICBMs." Major General P. T. Cooper, Air Force Systems Command. 1971.

*Geophysical motion studies*

"Sophisticated testing of advanced inertial subsystems for the evaluation of geophysical and environmental effects in order to reduce missile CEP . . . Initiate a geophysical motion study of an entire operational guidance system at a missile site in support of missile circular error probability (CEP) reductions." Air Force environment R&D Program. 1972.

*Extra-galactic radio sources*

"A series of very long baseline interferometry experiments have been conducted using extra-galactic radio sources as a means of determining the distance between sites several thousand miles apart. . . . This achievement should have an immediate impact on improvement of the earth-centered world geodectic system serving the requirements of the ballistic missile systems, and aerospace defense." Advanced Research Projects Agency. 1973.

*Precise Geodetic Locations and Gravity Data*

"Defense Mapping Agency provides all the precise geodetic locations and gravity data required to build the missile trajectories for U.S. strategic missile systems. . . . Missile systems are provided precise launch positions, target positions and the variation in the pull of gravity on the missile from the time they leave the launch silo until they arrive at the target. This data is provided for strategic missiles such as Minuteman, Polaris, and Poseidon." Lieutenant General H. W. Penney, Director Defense Mapping Agency. 1973.

EFFECTS OF RAIN AND ICE

Air Force requested $6.6 million in fiscal 1974 to study the effects of rain and ice on ballistic missiles to improve the reliability and accuracy of reentry vehicles.

CAN U.S. DEFENSE SECRETARIES COUNT NUMBER OF STRATEGIC WEAPONS?

In 1972 then-Defense Secretary Melvin Laird said in his Posture statement that the Soviet Union would have 2,500 strategic nuclear weapons in mid-1972. In 1973 then-Defense Secretary Elliott Richardson said that the Russians had 2,500 strategic nuclear weapons in mid-1972 and would have 3,600 strategic nuclear weapons in mid-1973. The latter figure may have been a misprint for 2,600. At his nomination hearing in June 1973, Defense Secretary James Schlesinger said that in mid-1972 the Russians had 2,200 strategic nuclear weapons (300 less than what both Laird and Richardson had said) and that in mid-1973 the Russians had 2,300 strategic nuclear weapons (still less than what Laird and Richardson said the Russians had in mid-1972). In 1974 Defense Secretary Schlesinger said that in mid-1973 the Russians had 2,200 strategic nuclear weapons (100 less than he said the Russians had a year ago and the same number he had said they had in mid-1972). Secretary Schlesinger said that the Russians would have 2,600 strategic nuclear weapons by mid-1974 (only 100 more than Laird and Richardson had said the Russians had in mid-1972).

*Soviet strategic nuclear weapons*

Laird (1972) mid-1972, 2,500.

Richardson (1973) mid-1972, 2,500; mid-1973, 3,600 (2,600?).

Schlesinger (1973) mid-1972, 2,200; mid-1973, 2,300.

Schlesinger (1974) mid-1973, 2,200; mid-1974, 2,600.

Conclusion: the jump of 400 Soviet strategic weapons alleged by Secretary Schlesinger between mid-1973 and 1974 is suspect, particularly as the Soviets have not yet begun to deploy MIRVed missiles. Are numbers juggled to exaggerate Soviet "strategic momentum"?

THE U.S. FOURTH STRATEGIC FORCE: FORWARD BASED AIRCRAFT

In Europe: 72 F–111Es in the United Kingdom; 244 F–4Cs and Ds in the United Kingdom, Spain, and Germany; 72 A–7s on board 2 aircraft carriers in the Mediterranean; 24 A–6s. Total 412.

In Asia: 72 F–4Ds in Korea; 36 F–4Ds in Taiwan; 108 A–7s, on board 3 aircraft carriers in the Western Pacific; 36 A–6s. Total 252.

Grand total 664 tactical aircraft capable of carrying nuclear weapons against the Soviet Union and China.

U.S. STRATEGIC MISSILES, 1974

| Name | Number | Accuracy[1] (miles) | Yield | Hard target kill capability[2] |
|---|---|---|---|---|
| ICBM's: | | | | |
| Minuteman I | 100 (will be none by mid-1975) | 0.75 | 1.0 megatons | PK equals 18 percent. |
| Minuteman II | 500 (will be 450 by mid-1975) | .35 | 1.5 megatons | PK equals 60 percent. |
| Minuteman III (3 MIRV's) | 400 (will be 550 by mid-1975) | .20 | 160 kilotons per RV (reentry vehicle) | SSKP equals 56 percent, PK equals 92 percent. |
| Titan II | 54 | .75 | 10 megatons | PK equals 58 percent. |
| SLBM's: | | | | |
| Polaris A–2 | 272 (will be 160A3's by 1977) | 1.0 | 800 kilotons | PK equals 9 percent. |
| Polaris A–3 (3 MRV's) | | .70 | 200 kilotons per RV | SSKP equals 7 percent, PK equals 20 percent. |
| Poseidon C–3 (10 MIRV's) | 384 (will be 496 by 1977) | .30 | 40 kilotons per RV | SSKP equals 13 percent, PK equals 76 percent. |

U.S.S.R. STRATEGIC MISSILES, 1974

| | | | | |
|---|---|---|---|---|
| ICBM's: | | | | |
| SS–7 | 100 | 2.0 | 5 megatons | PK equals 8 percent. |
| SS–8 | 109 | 1.5 | do | PK equals 13 percent. |
| SS–9 | 288 | .5 | 20-25 megatons | PK equals 96–97 percent. |
| SS–11 Mod 1 | 970 | 1.0 | 1 megaton | PK equals 10 percent. |
| SS–11 Mod 3 (3 MRV's) | 40 | 1.0 | 500 kilotons per RV (reentry vehicle) | SSKP equals 7 percent; PK equals 20 percent. |
| SS–13 | 60 | .75 | 1 megaton | PK equals 18 percent. |
| SLBM's: | | | | |
| SS–N–6 | 528 | 1.0 | do | PK equals 10 percent. |
| SS–N–8 | 108 | .75 | do | PK equals 18 percent. |

[1] Accuracy is measured according to circular error probable (CEP) in nautical miles. CEP is a statistical estimate that on the average 50 percent of the missiles will land within a circle with a radius from the target of the CEP value.

[2] Hard target kill capability is measured in terms of the probability of kill (PK) or single shot ill probability (SSKP) in the case of MIRV's of a missile against a 300 PSI target (the approximate hardness of most U.S. ICBM silos). The General Electric missile effectiveness calculator was used to make these estimates. The values are very approximate and the relative capabilities between various missiles are probably more accurate than the absolute values. Reliability factors make such estimates even more complicated. A PK or SSKP of above 90 percent is considered a good hard target kill capability.

ACORNS IN THE FISCAL 1975 DEFENSE BUDGET

Programs which are still in preliminary stages but which will cost billions of dollars each if allowed to mature:

1. Increased counterforce capabilities for U.S. strategic weapons (about $250 million in FY '75)
2. Strategic cruise missiles ($80 million for Air Force Air Launched Cruise Missile and $45 million for Navy Submarine Launched Cruise Missile)
3. New strategic submarine smaller than Trident ($16 million for SSBN–X which will use a Narwhal-type reactor)
4. New tactical nuclear weapons (for work on new technologies, including "mini-nucs", about $27 million in AEC budget and $8.5 million in Army R&D)
5. Binary chemical weapons (about $13 million for R&D and to establish a production facility for chemical weapons that are mixed in projectile after firing)
6. New B-1 bomber (still in R&D with $499 million requested in FY '75)
7. New CVX aircraft carrier class (to be lower cost than the $1 billion CVN-70)
8. New military base at Diego Garcia in Indian Ocean ($32.3 million at FY '74 supplemental and FY '75 New military commitments in Indian Ocean will be used to justify more carriers and other ship construction)
9. New mobile ICBMs (about $5 million specially for both land-mobile and air-launched ICBMs)
10. Deployment of up to 1000 MIRVed Minuteman III ICBMs ($15 million to keep production line for Minuteman III open)
11. New advanced tanker ($20 million for new strategic tanker that would also carry strategic cruise missile)
12. New civil defense crisis relocation program (plans for relocating millions of people from some 400 urban and "high risk" areas)
13. New ABM systems ($160 million for Site Defense program for defense of ICBMs and $91 million for Advanced Ballistic Missile Defense Technology)

## FOUKE CO., GREENVILLE, S.C., RECEIVES THE PRESIDENT'S "E" AWARD

Mr. THURMOND. Mr. President, on May 30, 1974, the Fouke Co. of Greenville, S.C., received the President's "E" Award for export expansion. This award is given to those companies which make outstanding, continuing, and substantial contributions to the balance of payments and which show an aggressive ingenuity in the opening of new markets resulting in a steady increase in volume of exports.

The Fouke Co. was founded in 1916 and during its entire history has specialized exclusively in the processing of fur seals. It has processed fur seals for the Governments of the U.S.S.R, Japan, Canada, Uruguay, the Republic of South Africa, and the United States. It has a unique process which has not been duplicated anywhere in the world. In the processing of the U.S. fur seal skins, taken in the Pribilof Islands in the Bering Sea, it has returned to the U.S. taxpayer more than 10 times the original purchase price paid for the State of Alaska.

The Fouke Co. strongly supports conservation programs by which the fur seal becomes a byproduct and a useful substance for man. The Fouke Co. certainly realizes that our natural resources are a precious commodity in today's society, but also realizes that in the area of fur seals, a sound conservation program must be maintained to keep a balance in the ecosystem. It has continually strived to support that position.

Receipt of the "E" Award is, indeed, a tribute to this company and its effort to combine an economic endeavor with environmental and conservation considerations.

Mr. President, I ask unanimous consent that the remarks of John T. Fouke, chairman of the board of the Fouke Co., that were made in conjunction with the acceptance of the presentation of this award be printed in the RECORD at the conclusion of my remarks.

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

ACCEPTANCE

(By John T. Fouke)

It is a great privilege for me to accept the Presidential "E" Award, and I would like to say my associates, all of our employees, and I are very proud to have been selected for this honor.

On an occasion of this sort I think it is natural that we look back to see what we have really accomplished and why we might be deserving of the honor bestowed on our company today.

The Fouke Company for over sixty years has worked under contracts with the United States Government for the processing, selling, and marketing of United States Government skins consigned to us. Just under three million skins have been handled in this way and close to one hundred million dollars has been turned over to the United States Treasury by the company—this was not tax money—this was straight revenue from the sale of the finished skins. The important feature here is not only the economic success of this arrangement but the conservation aspect because over this period the Alaska Fur Seal herd has grown from 120,000 to about 1,500,000 animals. There is no doubt that this has been one of the world's most successful conservation programs wherein a renewable resource has been scientifically handled for the good of both the resource and mankind. We are proud to have been closely associated with this kind of program.

The company has for many years also had continuing contracts with other governments—parties to the original treaty of 1911 for the protection of the Alaska Fur Seal herd—Canada, Japan, and the U.S.S.R.—with commensurate financial returns accruing to these governments also.

Fur Seals also come from another area—South Africa. This is the only other major herd besides that of the Pribilof Islands. The South African Government has for 300 years harvested fur seals from their territorial waters—they, too, have maintained a management program which has guaranteed the future of their herd—today numbering over one million animals. We at Fouke are also proud to have been part of that program for over thirty years through our contracts with South African shippers.

Today we hear a lot about saving animals. We think this is tremendously important because after all our company's future depends on it, but simply ignoring the animals in their natural habitat as recommended by some ill informed conservationists is not the answer for this leads to their self-destruction because civilization encroaches inevitably upon this so-called natural habitat. Controlled conservation such as that exercised by the United States and South Africa is the only guarantee for the future of the fur seal herds.

The Fouke Company started twenty years ago to develop the European market for fur seal—through advertising, promotion, and personal contact—because we felt we must assure markets for the future consumption of a finished product as part and parcel of the total conservation effort.

Again, thank you and we pledge that we will continue our efforts as in the past.

## SOLAR ENERGY AND AGRICULTURE: SELECTED BIBLIOGRAPHIES

Mr. McGOVERN. Mr. President, both the Senate and the House have passed solar energy legislation in this session of Congress. It is welcome news for those who have fought so long in behalf of solar power. The entire Nation will one day benefit from these initial steps.

Earlier this year I introduced legislation which, among other things, would establish a clearinghouse for information on solar energy as it relates to agriculture. One reason for the slow acceptance of solar energy as a fuel source is that there have been inadequate facilities for the communication of information on its benefits.

Over the past few months, the amount of printed information available on solar energy has grown substantially. In the field of agriculture and solar energy a significant amount of data is now available.

I ask unanimous consent that a bibliography of currently available information on solar energy and agriculture be printed in the RECORD.

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

[Brace Research Institute of McGill University, Quebec, Canada]

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EP. 1 Solar Distillation of Saline Water by Gerry MacPherson, Costa Varvarikos, Project for the Department of Civil Engineering and Applied Mathematics, Course No. 303–318 B, April 18, 1973, 68 pp.

EP. 2 Windmill Tower Design, by Frank Montesano and Antonio Fernandez, Project for the Department of Civil Engineering and Applied Mathematics. Course No. 303–318 B, April 18, 1973, 92 pp.

EP.3 Experimental Study of a Solar Steam Cooker by Kai Cheng, Harry Wong and Osamu Tanaka, Project for the Department of Mechanical Engineering, Course No. 305–463A–464B, May 1973, 47 pp.

EP. 4 Design of a Flat Solar Collector by Keshav Kant, Project for the Department of Chemical Engineering, Ph. D. 3, 43 pp. October 1972

*NOTE.—Course Papers are generally not available except under special circumstances.

## LET US BALANCE THE BUDGET

Mr. CRANSTON. Mr. President, President Nixon's proposed budget for fiscal 1975 is a breathtaking, recordbreaking, taxpayer-busting $304.4 billion. It contains a $9 billion deficit which can only worsen the inflation that is wracking our country.

We must get this budget in balance. If the President can not or will not—and OMB Director Roy Ash says he can not and will not—the Congress must balance

it for him. And we must make a balanced budget stick.

President Nixon has requested $96.2 billion in total military expenditures for fiscal 1975—a record for any peacetime year and $6.1 billion more—or 7 percent—than last year, allowing for inflation. In absolute figures the President is asking for an increase of $11.2 billion—or 13 percent more—than he asked last year.

Military spending is the most inflationary factor in the budget. It is inflationary because it pumps a lot of money into the economy, but, even at best, it produces no consumable goods or services. At worst, when it is excessive and wasteful as it is at present, military spending actually reduces our security by undermining the economy and stimulating a spiralling arms race.

Unnecessary military spending has an even more pernicious effect on our economy when that unnecessary spending takes place overseas.

Our present overseas military commitments currently result in an annual drain of $4.6 billion in our balance of payments. This drain further undermines the dollar in world markets.

If we are serious about fighting inflation and balancing the Federal budget, the place to begin is in the Defense budget—particularly as it relates to overseas spending.

Let us look at a few items where substantial cuts might be made:

First, besides the $96.2 billion in military expenditures President Nixon has asked for fiscal 1975, he has requested an additional $8.1 billion in military and economic aid to 53 foreign countries.

Among the proposed recipients are Laos, $146.4 million; Cambodia, $746.4 million; and South Vietnam, $2.36 billion, for a grand but hardly glorious total of $3.26 billion.

There are three good places to start cutting.

Second, some 40 more of those foreign nations sharing that $8.1 billion in military and economic aid are also dictatorships of one sort or another.

There are 40 more good places to continue the cutting.

Third, we currently spend $30 billion a year to man, maintain, operate, and support 1,963 military bases and installations in 34 foreign countries. That includes employing 147,000 foreign civilians to work on those bases.

We have 433,000 U.S. Army and Air Force personnel stationed in those countries, along with 250,000 of their dependents.

Here is still another excellent place to make some savings.

Cutting those land-based troops by 100,000—a 23-percent reduction—would alone improve our balance of payments by $800 million a year.

And if we deactivate those men from service, we would save another $1.2 billion in direct costs plus an additional $5 billion in future savings in troop support, military construction, maintenance,

Even after such a reduction, we would and logistics.

still have a forward-based, highly mobile force poised for any contingency with 333,000 U.S. troops in foreign lands, 33,000 in our overseas territories and possessions, and 59,000 Navy personnel in our mighty overseas fleets.

Wasteful military spending brings the whole Defense budget into disrepute, and threatens vital parts of it—such as the modern weaponry upon which we are very much dependent in the present state of world anarchy where the threat of mutual deterrence is the keystone of an uneasy peace.

The distinguished Senator from Missouri (Mr. SYMINGTON) has said that our security and indeed our survival are dependent upon three factors:

First, the soundness of our institutions and the faith of the people in them.

Second, the certainty that we can survive a first strike and respond with an overwhelming blow, a retaliatory blow against any enemy—and the certainty of any potential enemy that this is the case.

Third, the soundness of the American dollar and our economy.

Watergate has shaken the first. Let us not threaten the second and third by waste in military spending.

Those billions we are wasting on nonproductive, nonneeded military spending abroad could be far better spent on domestic needs—or simply left unspent which, I suppose, is a new but perhaps refreshing idea.

An idea as new and refreshing as, after all these years, a balanced budget.

## OCEAN SCIENCE NEWS

Mr. METCALF. Mr. President, the authoritative "Ocean Science News" newsletter published in Washington recently included two articles which are of interest and importance as our delegates prepare for the United Nations Law of the Sea Conference, a 10-week session which begins in Caracas on June 20.

Newsletter editor John R. Botzum devoted a major part of his May 10 issue to the announcement of the formation of the second international deep ocean mining consortium, to speculation that at least two more will be formed, and a discussion of the yet to be defined role of the National Oceanic and Atmospheric Administration in this complex and vital area.

The May 24 issue includes speculation that the world's first commercial deep-sea mining venture may be under the Japanese flag.

I ask unanimous consent that the above-mentioned articles be printed in the RECORD.

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

OCEAN SCIENCE NEWS

A second international deep ocean mining consortium was announced this week. Look for a third to be announced shortly—probably before 150 nations meet in Caracas, Venezuela, 20Jun–29Aug at the Third U.N. Conference on the Law of the Sea (OSN, 7, 14, 21 Dec). A fourth consortium is a possibility.

The latest entry into the ocean mining sweepstakes is Deepsea Ventures Inc., Gloucester Point VA, a subsidiary of Tenneco Inc., Houston. Deepsea President Jack Flipse announced in Houston at the Offshore Technology Conference (OTC): Nichimen Co. Ltd., C. Itoh & Co. Ltd., and Kanematsu-Gosho Ltd., all of Tokyo, have signed with Deepsea for a 3-year, $20 million "assessment of a selected Pacific Ocean ore body, the testing of mining and processing systems, and the market testing of the products recovered." Another company (European, most likely) will be joining the American and Japanese firms at a later date. The first international consortium in the field was announced in January (OSN, 1Feb)—a group of five headed by Kennecott Copper Corp., NYC, and including one Japanese firm, Mitsubishi Corp., Tokyo. The expected third consortium will be headed by International Nickel Co., NYC, and will also include Japanese and European companies. Finally, a fourth international consortium could be headed up by Summa Corp. of Houston. The Howard Hughes company is said to be engaged in discussions with several firms on two continents.

There are three elements not to be overlooked as these consortia are set up: (1) the impact on the Law of the Sea Conference; (2) the effect on the U.S. Congress; and (3) the presence of Japanese firms in all of them. Faced with the existence of international consortia, each with a built-in constituency of powerful, marine nations, the U.N.'s chances for creating an international agency to manage deepsea mining ventures appears slim indeed, at least in the form envisioned by the architects of the "common heritage of mankind" principle.

House and Senate consideration of ocean mining bills takes on a new emphasis with the creation of the consortia. Ultimately, any U.S. ocean mining bill will have to recognize the existence of them, and the chances for a bill appear stronger as each group of mining companies establishes itself. Also, without any agreement in Caracas, Congress becomes more prepared to act this year. Rep. Thomas Downing (D-VA) told OSN: "If Caracas produces nothing (which I expect), then Congress will enact legislation this year." Downing argues that if Congress had passed his ocean mining legislation earlier, then the U.S. companies would not have needed to set up or join these consortia, in order to find protection for their investments through multi-national groups. On the other hand, the need for additional capital is a very good reason for the joint ventures.

Finally, the Japanese role in all this is fascinating. They have their own mining system, the continuous line bucket (CLB) method, yet they are joining every consortium that comes along—a beautiful example of bet hedging! (Also, the Japanese hope to get some ship construction contracts.) They are working closely with the French (CNEXO) to bring their CLB system to operational status as quickly as possible. U.S. experts, sold on their own hydraulic concept, have yet to exhibit much confidence in CLB. While some Japanese say they can mine commercially in three years, the mining system is only one part of the total, system, which must include processing the ore and marketing it. True commercial production still seems at least seven and possibly as many as 10 years away.

Where are all these companies going to be operating? With the possible exception of the Japanese CLB-users, in the "nodule belt" which runs through the southwest and south central Pacific (5° N to 20° N and 110° W to 180° W) in water depths of 15–16,000 ft., overlain by the North Pacific Equatorial Current and the North Pacific Counter Current. In this area, the pioneer deep ocean miners will find ore that's at least (dry assay) 20% manganese, 1% nickel, 0.8% copper, and 0.2% cobalt—those percentages being the cutoff point, according to one "viable" economic

model (see "The Selection & Sizing of Tracts Comprising a Manganese Nodule Ore Body," a paper by Raymond Kaufman, Deepsea Ventures, delivered this week at OTC).

Natl. Oceanic & Atmospheric Administration's role in deep ocean mining has yet to be fully defined, although the Commerce Dept. agency announced the establishment this week of a Deep Ocean Mining Environmental Study (DOMES) under the direction of John W. Padan at the Pacific Marine Environmental Lab, Seattle. Padan, who headed up the now defunct NOMES (New England Offshore Mining Environmental Study) won't move from Boston until next month. His operation in Boston was the target of a good deal of pressure from environmental groups, and he seems certain to face similar troubles in his new job. Wilmot Hess of the NOAA Environmental Research Lab at Boulder CO will oversee the whole DOMES effort.

Criticism of the size of the DOMES project is already being voiced by industry, which feels the Padan announcement is little more than a public relations gesture. Inside NOAA a $2.9 million program for FY75 was rejected, and limited $125,000 or so program approved which will involve preparatory work only to the larger effort—like a survey of the existing literature and the start of an operational plan for conducting baseline studies in the nodule belt.

The project development plan for DOMES as originally conceived calls for a three-year, $7.8 million program, broken down as follows:

[In millions of dollars]

| | Fiscal year— | | |
|---|---|---|---|
| | 1975 | 1976 | 1977 |
| Shipboard equipment | 0.4 | 0.2 | 0.1 |
| Ship support | .6 | .6 | .6 |
| Contract field research | .7 | .7 | .7 |
| Contract laboratory research | .6 | .4 | .2 |
| Model development | .3 | .2 | .2 |
| Project management (including data) | .3 | .5 | .5 |

This 3-year project, when and if it comes about, would provide a complete assessment of the environmental factors associated with the new industry well in advance of full production mining. The two phases of the study are (1) the acquisition of basic data in fiscal year 1975–76 on the environment of the Pacific nodule belt, and (2) in fiscal year 1977, an attempt, in cooperation with the ocean mining industry, to test and refine predictive models developed in Phase I during prototype mining equipment tests. The main goal of DOMES is to identify potential environmental problems and to develop guidelines for the design of mining equipment and operational techniques. The potential relevance of the National Environmental Policy Act (NEPA) to a mining venture in the middle of the Pacific Ocean has best been summed up (OSN, 1 Mar) by Robert McManus, the one-man oceans division of Environmental Protection Administration. On the other hand, without a U.S. ocean mining law, no permit is required for a U.S. citizen to go to sea, so NEPA isn't relevant, many observers argue. Whatever the relevance, no one has sufficient information with which to assess the impact of deep sea mining on the marine ecosystem, and there is no doubt there will be major controversies about it. One reason for getting these environmental studies going: With commercial mining due to start by 1980, corporate decisions on mining equipment design and production techniques must start to be finalized by mid-1975.

The potential environmental impact of deep ocean mining systems: They will (1) disturb benthic habitats and destroy some organisms in the direct path of the system; (2) suspend sedimentary material stirred up by the system; and (3) introduce sedimentary material, associated benthic organisms and nutrient-rich bottom water into various layers of the water column, including the surface layer.

The introduction of bottom water and sediment into the upper water column appears to be the more complex issue. Trace metals brought to the surface could inhibit or stimulate photosynthesis and might accumulate within the food web and become concentrated in the higher trophic levels. More likely, though, would be increased photosynthesis and productivity resulting from the high nutrient content of the bottom water. Another possibility: Planktonic spores buried in bottom sediments could be discharged into the surface layers where they may revive and introduce rare or new species into the euphotic zone. All this action could affect commercially important tuna and billfish which spawn in that part of the Pacific—yellowfin, bigeye, skipjack, and so on. One element of the problem: These fish may actually be attracted to the area by the mining operation.

Lamont-Doherty Geological Observatory of Columbia U. did some preliminary work on the environmental effect of nodule mining as early as 1970 on the Blake Plateau off the U.S. mid-Atlantic coast. In 1972, baseline conditions (physical, chemical & biological) were determined on the Bermuda Rise. About the same time the Japanese ship Kyokuyo Maru was monitored by a U. of Hawaii ship as it tested the CLB system in the Pacific. What NOAA calls "a first baseline study" will end about 15 May when a team of 14 oceanographers led by Oswald Roels of City College of New York returns to Honolulu after a month's cruise aboard the U. of Hawaii R/V Moana Wave. The trip, partially sponsored by $15,000 of industry money, covered a 10,000 sq. mile patch centered on 8°N, 151°W. (Other sites which cover the full range of environments are 5°–7° N, 170° W and 12°–15°N, 140°W.) Summing up: These very preliminary efforts have not suggested that mining disturbances will be very great.

Under John Padan the first step will be the establishment of a technical advisory committee. If the original NOAA plan were in effect, an initial predictive model would be finished a year from now, and the first preliminary environmental guidelines would be ready by Jan. 76. Final guidelines would be available in July 77. The overall federal management role of DOMES is seen to include: (1) An executive committee consisting of representatives from NOAA, Interior Dept. and industry for management direction and policy guidance; (2) a project manager to oversee day-to-day operations; (3) a staff support office for budgeting, scheduling, logistics, and safety; (4) a chief scientist; (5) a field operations manager; (6) a laboratory operations manager; (7) a data manager; (8) a project advisory committee of outside experts for periodic review, including a technical panel of scientists, and a user's panel.

Machinery would be set up to insure industry complete data in order to design its equipment and operating procedures to meet environmental impact findings. NOAA would provide consulting services to industry on specific environmental problems, and an equipment pool would be established for use by industry when not being used by NOAA. Industry would be encouraged to contract with NOAA labs for water chemistry, biota identification, population counts, productivity measurements, and the like, on a cost reimbursement basis. Finally, a clearinghouse would be set up at Natl. Oceanographic Data Center for all environmental data pertinent to marine mining. All new pertinent environmental data collected by industry, government, or academic institutions would be incorporated into the bank.

OCEAN SCIENCE NEWS

The world's first commercial deepsea mining venture may well be under the Japanese flag. The U.S. may be ahead technologically in deepsea mining, but that's no guarantee the U.S. will be the first nation to commercially mine manganese nodules. That was the impact of remarks yesterday (23 May) by Jack Flipse of Deepsea Ventures to the American Oceanic Organization, meeting on Capitol Hill in Washington, D.C. Flipse indicated that Tenneco, the parent company of Deepsea Ventures, could well decide to conduct its business outside U.S. jurisdiction.

Flipse revealed some intimate details of his firm's agreement with the Japanese on the deepsea mining consortium recently announced (OSN, 10 May). Thus, if at any time during the life of the agreement among Deepsea Ventures, Nichimen Co., Mitsubishi, etc., the U.S. firm should decide to pull out, the Japanese have the right to "buy out" the whole operation. Flipse says this also applies to the Kennecott consortium announced in January (OSN, 1 Feb). Obviously, as previously indicated in OSN, the Japanese are assuming a commanding position in all of the consortia set up or contemplated, even though all the consortia depend on U.S. technology—with the exception of the continuous line bucket system. Another factor not to be overlooked: All the consortia, says Flipse, contain clauses calling for the individual country represented to get a share—equal to its firms' participation—of the product. In the rapidly developing race for minerals resources, Flipse regards this as the raison d'etre of the consortia.

The U.S. position at Caracas, opined Flipse: As we enter into negotiations at the U.N. Law of the Sea Conference (20 Jun–29 Aug), we start "from an extreme fallback position"—the U.S. has "tabled a document as poor as we can live with . . ." Flipse worries that the deep ocean mining issue will become a "trading good" in the U.N. market place in Caracas. Asked what LOSC means to him, the Deepsea prexy commented: "LOSC is marginal if it flies, but it's not very promising as a real solution . . ."

As to Tenneco's ultimate relationship to the U.S., Flipse noted that "we can sell out. If it won't go (under U.S. jurisdiction) it will go somewhere else (i.e., in another country). Tenneco is domesticated in 23 countries." Deepsea Ventures already has faced up to the fact, for example, that it may well have to operate its mining ship under the Japanese flag.

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## THE LAWYER'S PROFESSION

Mr. McGOVERN. Mr. President, Archibald Cox, our former Special Prosecutor, recently delivered an address at the University of Virginia law school which I think has particular relevance to a matter on which we who serve in the United States Senate may soon be asked to pass judgment.

Professor Cox discusses the impact of the case of the United States against Nixon, now pending before the Supreme Court, in which the President's right to withhold evidence of alleged wrongdoing on his part and that of his subordinates from the courts and the Congress will be decided. He concludes that—

Should the courts order production, as Judge Sirica already has, failure to comply would in my judgment be the most serious of impeachable offenses. For although seeming to deal with a small point of evidence, the refusal would in truth defy the essential

constitutional guaranty that *the Executive be under the law.* (Italics supplied.)

Although I am not a lawyer, it seems to me that Mr. Cox has grasped the essential point. We pride ourselves on being a government of laws, not men. But if one suspected of criminality is permitted to determine what is or is not relevant to an inquiry into his conduct, then that man is holding himself above the law.

I do not know what the evidence will finally show, nor what the House will decide. But it seems to me that we in the Senate should commence now in thinking about and debating what standards we should apply, should the matter come to us for judgment. The Cox speech discusses many of the issues with great learning. I commend his views to my colleagues, and ask unanimous consent that his remarks be printed in the RECORD.

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

THE LAWYERS' PROFESSION

(By Archibald Cox)

Oliver Wendell Holmes, Jr., hesitated in entering the legal profession, and it was many years before he was satisfied that he could fulfill his strong wish to live greatly, within the law. Yet when Holmes was ninety he said to a friend that if the ceiling should open and a great voice speak summoning him to his Maker, he would reply "I am ready, Lord, but may I have ten more minutes."

And so I welcome you to a profession in which one can aspire to live greatly, and thus enjoy the fulfillment of the effort.

I

What is it about the law that offers such fullness of life?

To Holmes as to most lawyers, it was of prime importance that central to the law is the life of the mind—perhaps I should say the life of the intellect. The way of the law is not the way of the artist or the poet, or even of the writer who would record the stream of consciousness without organization or elimination of the irrelevant. We are wordsmiths because words are the tools for expressing with the required exactness and consistency the concepts, the rules and forms of organization—for creating the institutions—that enable men to live together. The good one can accomplish by skilled legal craftsmanship never ceases to amaze me, but the words and concepts the skilled lawyer finds so delightful as tools must never become the master. The law's concern is men and women, their daily lives, their joys and sorrows, their fears and aspirations, their mean pursuits and high adventures. Without sympathetic understanding of life, perhaps without understanding the persons with whom he deals better than they understand themselves, a lawyer is not worthy of the name. This involvement with people touching every aspect of the panorama of human existence is a second, prime source of satisfaction in the lawyer's life.

Third, an infinite variety of pursuits falls within the boundaries of the profession. Some of you may find, as I have, that nothing engages and therefore satisfies one's whole being quite like argument of a public cause in a high appellate court. John G. Johnson, a great advocate 60 or 70 years ago, two or three times rejected appointment to the Supreme Court of the United States. Each time an intimate friend pressed him for the reason. At last Johnson replied—

"You finally want me to tell you the true reason? I'd rather talk to damn fools than listen to them!"

Others, with the capacity to recreate and relive human events and a flair for the dramatic, may find their forte in jury trials. Industry, both management and labor, and finance will attract more; still more become family advisers and trustees; still others will devote themselves to private associations serving disadvantaged groups and other segments of the public interest. Tens of thousands of lawyers become judges and government officials. Though we often speak of being a lawyer as if it were a single vocation, in fact there is a wide range of careers within the law.

All these things offer lawyers lives filled with unusual variety, challenge and satisfaction, but surely it is not these things alone that enable a man to live greatly in the law.

II

The lawyer's compass, the ideal that gives coherence to our profession, the scope that enables a man to live greatly in the law, is marked by our heritage. We inherit the tradition of seven or eight centuries of continuous concern for the institutions and aspirations—for the processes, standards, ideals and sense of right and justice—that make for a free and civilized society. It is not the age of the profession that matters, nor even the inspiration gained from knowing that we tread the path marked by Coke and Erskine, John Adams and Brandeis, Charles Houston and Thurgood Marshall. What matters most is that through the centuries the men of law have been persistently concerned with the resolution of disputes and the organization of human endeavors in ways that enable society to achieve its goals *with a minimum of force and a maximum of reason.* Every practicing lawyer whether he deals in constitutional issues, advice to corporations, collective labor agreements or wills and domestic relations, is concerned with the rules and forms of human organization—to put it most simply, with helping people to live together—not by power, be it physical, economic or even political, but by what reason tells is just. Our commitment is to law and legal institutions as a substitute for force and therefore man's best hope of mutual respect for human dignity, liberty, change and progress.

II

Law in this sense depends upon voluntary compliance, and compliance upon the notion that the law binds all men equally, the judges no less than the judged, the governors no less than the governed, the highest officials equally with the lowliest citizens. Two questions of this kind were raised last October—at least as I saw the problem.

One was whether the President would be permitted to set himself above the law by refusing to comply with a court order for the production of documents. The refusal defied a constitutional tradition handed down from the Sunday in 1612 on which King James, taking offense at the independence of his judges, cried out—

"Then I am under the law—which it is treason to affirm."

And Chief Justice Coke replied—

"Non sub homine sed sub Deo et lege."

Justice Jackson expressed the constitutional tradition in the Steel Seizure case in 1952—

"With all its defects, delays and inconveniences men have discovered no technique for long preserving free government except that the Executive be under the law * * *"

And President Truman strengthened our constitutionalism by following the Supreme Court decision and returning the steel mills to the owners despite the exigencies of a labor dispute in time of war.

The second question raised in October was whether, on the one hand, our system of government secures opportunity for the full and impartial investigation of wrong-doing at the highest levels of the Executive Branch according the usual processes of law or, on the other hand, a Chief Executive can thwart the search for facts by a personal fiat inescapably influenced by self-interest and concern for his friends. This question was raised by an order to the Special Prosecution Force not to pursue the usual course of law in seeking evidence from the White House even to the point of a judicial ruling.

Last October the people gave unmistakable answers to both questions. Within days the court was assured that the tapes and documents would be produced. Within weeks, the independence of the Watergate Special Prosecution Force was restored, the staff unimpaired, and a vigorous and independent Special Prosecutor was appointed. The sequence of events demonstrates better than any other occurrence within my memory the extent of this country's dedication to the principle that ours is a government of laws and not of men. It gave proof of the people's determination and ability to insist that the highest officials shall meet their obligations under the law as fully and faithfully as others.

I recall these events because it seems to me that we are near the point where the people have need to express themselves upon these points as clearly and forcibly as before.

The Special Prosecutor has subpoenaed additional materials in the Executive Offices in aid of the Prosecution of the alleged Watergate cover-up. The President has refused to produce the subpoenaed documents. When stripped of technical jargon, the question raised is very simple: Shall guilt or innocence in the criminal trials of White House aides be determined upon full consideration of all the evidence found relevant, competent, and unprivileged by due process of law or shall the evidence from the White House be confined to what a single individual, highly interested in the outcome, is willing to make available. In the latter event, our system of government provides no way of assuring a full and impartial inquiry into wrongdoing at the highest levels of the Executive Branch.

I do not mean to slide over the claim of executive privilege. The claim—one must assume—is made in good faith. When made in court, judicial machinery exists for the ruling upon it according to law. In this context the claim of executive privilege rests entirely on the notion that giving confidentiality to discussions of policy and other governmental problems within the executive branch will produce more candid advice and deliberation, and these are thought to be in the public interest. Most of us would agree, under normal circumstances, and respect the privilege. But here there is a showing that criminality corrupted the same high levels of the executive branch, and that the evidence of what was said or written is material to ascertaining the truth of the charge and restoring integrity to government. The court must therefore balance the value of complete investigation of the prima facie wrongdoing against the harm, if any, done to the value of encouraging candor in executive deliberations by holding that the executive privilege of confidentiality is lifted upon a prima facie showing that it cloaks evidence of crime. On this question, perhaps, judgments may differ. I find it hard to believe that the courts will not follow the eloquent words of Justice Cardozo in holding that even the confidentality of a jury's

deliberations will yield once there is reason to believe that they were tainted by misconduct:

"The chance that now and then there may be found some timid soul who will take counsel of his fears and give way to their repressive power is too remote and shadowy to shape the course of justice. It must yield to the overmastering need, so vital in our policy, of preserving trial by jury in its purity against the inroads of corruption."

Whatever the outcome, submitting the issue to the court and complying with the judicial ruling would not attack the rule of the law. But should the courts order production, failure to comply would, in my judgment, be the most serious of impeachable offenses. For although seeming to deal with a small point of evidence, the refusal would in truth defy the essential constitutional guaranty that the Executive be under the law. It would assert an arbitrary, executive power to block full and impartial inquiry into executive wrongdoing. Submitting the claim of executive privilege for judicial determination, as I have said, does not challenge the rule of law. One cannot say as much for the contention of Counsel to the President that the Special Prosecutor has no standing to request a court order directing the President to produce relevant, competent, and unprivileged evidence.

This is not an argument that the court should judge the public interest in confidentiality to outweigh the need for the evidence, nor even a claim that the former interest is so important that the courts should not review the President's determination. Rather, the contention seeks to forestall any decision according to law at the very threshold upon the theory that the Special Prosecutor may not invoke judicial intervention in a quarrel with the President, his superior in the Executive Branch.

The theory is not easily grasped. Professor Bickel says that there is no judicial jurisdiction because there is no "case or controversy," but the basis for the assertion that there is no "case or controversy" is not quite clear. Is it that the Chief Executive is to be treated not as a potential witness whose duty to produce evidence is a issue but as in charge of the prosecution, making his refusal to give the evidence to the Special Prosecutor a binding instruction that the prosecution is to be conducted without the evidence? But the President has not given such an instruction. He promised not to interfere with the Special Prosecutor and approved the Attorney General's Departmental Regulation giving the Special Prosecutor independence in this regard. Furthermore, the acts of Congress put the Attorney-General, not the President, in charge of criminal prosecutions and the Attorney General vested his responsibility in the Special Prosecutor insofar as Watergate is involved. These are reasons enough to conclude that the President is not in charge of the prosecution, either in law or in fact, unless the earlier act of Congress, the Departmental Regulation and the President's assurances are all unconstitutional nullities because Article II requires the President to have control over all criminal prosecutions even when the offense involves wrongdoing in which he has a disqualifying interest because he may be implicated as well as his immediate aides. Nothing said in Article II states this conclusion, and surely it will be a perverse bit of folly to interpolate when not required by the words.

Is there no "case or controversy" because the President has power to dismiss Attorney General until he gets one who will rescind the regulations and dismiss the Special Prosecutor? The very statement of the proposition acknowledges a present controversy but says that it *may* not continue. It would seem that the existence of present controversy should be decisive, but if the question is to be decided by prediction, surely the Presidential promises not to dismiss the Special Prosecutor demonstrate sufficient likelihood that the existing case will survive to warrant its decision.

The only other ground that occurs to me for denying the existence of a case or controversy is the mystical idea that the Executive Branch has such unity as to bar one member from complaining that another member is acting contrary to law, and I suppose that the assertion might be added that it violates the separation of powers for the Judiciary to intervene in a controversy between members of the Executive Branch. But the latter point is really an argument that the Judiciary lacks power to order the Executive to give testimony or produce evidence and should stand or fall regardless of whether the Special Prosecutor or the defendant seeks the subpoena. If a private defendant could secure judicial aid, there is no practical reason to deny the Special Prosecutor equal standing except to support the Chief Executive's actual or potential control over the prosecution; and this takes us back over grounds already rejected. Even more important is the untoward consequence of embracing any such theory of executive unity: it would deny the country any way of assuring itself that wrongdoing high in the executive branch will be investigated and prosecuted independently and according to law even though it reaches high enough in the Executive Branch to put part of the evidence within the control of the President.

The claim of Presidential power to thwart the prosecution of former White House aides upon evidence that independent prosecutor deems material is accompanied by a parallel assertion of power to withhold from the House Judiciary Committee evidence that it determines material in ascertaining whether the President has been engaged in serious wrong-doing. The issue is easily confused by constitutional jargon and because a mass of evidence has been produced, but one hopes that the Bar and later the country will come to see it clearly for what it is. The President's lawyers say that he may not be indicted and that his guilt or innocense of wrongdoing must be decided by the processes of impeachment beginning in the Judiciary Committee of the House of Representatives. Plainly, any such investigation will usually depend upon inquiry into what happened in the Executive Offices and much of the evidence will be under the President's control. If impeachment is to be a viable method of inquiring into alleged executive misconduct, the House of Representatives—the grand inquest of the Nation—must have a right of access to whatever evidence it judges necessary. Here the House is the tribunal; no court can judge the question or enforce the subpoenas. Withholding from the House evidence it judges necessary to the inquiry is therefore a defiance of the only process the Constitution provides for dealing with substantial charges against a President.

If the President refused to supply any evidence in his possession, the defiance of constitutional processes would be so plain, that all would perceive it. The principle is exactly the same when he picks and chooses what he will supply. In my view, the refusal to comply with the Judiciary Committee's subpoenas denies Presidential accountability through a constitutional process the framers were careful to provide. Failure of the Committee to treat the refusal as a major ground for impeachment would go far to concede that executive wrongdoing is beyond the reach of any form of law.

III

I hope that I have not abused your good nature dwelling at length upon what I see as a Presidential threat to the administration of justice and the ability of the government to purge and redeem itself by thorough, independent investigation, and prosecution if warranted, when there is reason to fear wrongdoing towards the top of the Executive Branch. I had planned a different address about the legal profession, but the events of last week moved me deeply.

Still, before I close, may I speak a word of confidence in the future of law, government, and the legal profession. If one's attention becomes transfixed only by the seamy side of Watergate, he is likely to conclude that passion, arrogant grasping for power, cynicism, and distrust have eroded self-government, while the misdeeds of lawyers in high office are destroying confidence in the legal profession. But there is another side to Watergate. The response has proved the conscience of the Nation. It is more important to know that our idealism is alive than that some men have proved unfaithful.

My own college commencement was 40 years ago. When I look back over those four decades, I think I see reason, despite all the shortcomings, not to give up upon law or men. In that time two peaceful revolutions were accomplished within the rule of law. The New Deal revolutionized our theory of government, brought a measure of control over industry and finance and immeasurably increased both opportunity and protection availability to industrial workers. There was a tremendous transfer of economic and political power. The decision in Brown v. Board of Education 20 years ago launched the civil rights revolution—again within the framework of constitutionalism and the rule of law. You are also familiar with the extraordinary reforms in the protection of individual liberty, the opening of the political system, and the improvement of criminal justice worked by the Warren Court.

That the accomplishment is small compared to what needs to be done scarcely needs saying to a generation of men and women that measures things by the gap between what is and what ought to be. May you keep the honesty and courage to face our faults, our follies, and our capacity for evil. I hope you will have the greater insight to perceive that your chosen profession holds unique opportunities little by little to improve man's lot, and also the greater courage to pursue that vision. You will not succeed entirely; no one does. But I wish you luck and promise joy in the endeavour.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1975

The PRESIDING OFFICER (Mr. METZENBAUM). Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 3000, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 3000) to authorize appropriations during the fiscal year 1975 for procurement of aircraft, missiles, naval vessels, tracked combat vessels, 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 of civilian personnel of the Department of Defense, and to authorize the military training, student loads, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment—No. 1346—of the Senator from South Dakota (Mr. McGOVERN). The time for debate on this amendment shall be limited to 3 hours, to be equally divided between and controlled by the mover of the amendment and the manager of the bill, with 30 minutes on any amendment to the amendment, and 20 minutes on any debatable motion or appeal.

Mr. ROBERT C. BYRD. I thank the Chair. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, just a point of order on the amendment being offered by the Senator from South Dakota (Mr. McGOVERN). I invite his attention to the fact that the amendment, the way it is now, on page 3, line 13, refers to another subject. I believe he got the original language from the first print of the committee bill.

I would, therefore, suggest that he ask unanimous consent that the language be changed so that it will refer properly to the section.

Mr. McGOVERN. Mr. President, I appreciate the Senator's calling my attention to that technical error.

I ask unanimous consent that the amendment be so changed to relate to the appropriate point in the bill.

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

Mr. McGOVERN. I thank the Senator from Arizona very much.

Mr. GOLDWATER. 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. McGOVERN. 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. McGOVERN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is on agreeing to the amendment No. 1346 of the Senator from South Dakota.

Mr. McGOVERN. Mr. President, there are two parts to the pending amendment, No. 1346. The first is a requirement for an independent cost effectiveness study of various strategic air options. The second part of the amendment calls for a reduction in funds from the $455 million recommended by the committee to $200 million, a net reduction of some $255 million in the so-called B–1 bomber program.



I am going to discuss the study requirement of the amendment in more detail at a later point, but I want to stress at the outset the reasons why I think $200 million is an adequate level of funding for the B–1 bomber in the coming fiscal year.

The effect of this amendment would be to postpone a production decision on the B–1 past the November 1876 deadline that is contemplated under the current program.

The amendment does not kill the B–1 program by any means but it does postpone the decision to proceed with production. I would expect the reduction to be apportioned over the various parts of the research and development effort. The effect would be a delay of more than 1 year because it would be necessary to gear back up, if we decided to complete the B–1 development program.

I should like to begin this discussion today with the assumption that the aircraft will not be built. That is my own deep conviction. After studying the B–1 bomber and the arguments for it and the arguments against it over a period of several years, I am convinced in my mind, no matter what decision we make today, that it will not be built as a part of the Air Force.

It will certainly not be built in the quantities now contemplated, roughly 244 aircraft. If we were to build fewer bombers, it would mean an astronomical increase in the cost per airplane—already a whopping $61.5 million per plane.

Three years ago, we were told that this aircraft would cost somewhere around $25 million, but the cost is now advanced to $61.5 million. If we were to reduce the number to be built, the individual cost, of course, would increase a great deal more.

The B–1 bomber would show up much more poorly on any cost-effective comparison if the $3.5 billion in research and development money had to be apportioned over a smaller force and if we lost the unit cost advantages of large-scale production.

I realize that this is the kind of assumption no one likes to make while we are still in the middle of a research and development effort.

The question will be asked, why should we turn in down before we know whether it can perform, before any of the prototypes have even flown?

I am sure we will hear arguments on the Senate floor saying, "Let us go ahead and build the prototype models and get them into operation and see whether they come up to the specifications that the designers have in mind."

Well, Mr. President, for the purpose of our decision here today, I am willing to accept the Air Force estimates of capabilities. For the sake of argument, I would be willing to concede that the aircraft will meet all the specifications its designers think it can meet. That is a generous position, I think, considering that the projected capabilities have been steadily slipping and the weight of the aircraft has been climbing over the past several years.

In an effort to hold down the cost, some of the original advantages of the aircraft have been eliminated. But as I said, for the purpose of discussing this amendment, I would be willing to give the Pentagon and the contractors the benefit of the best case analysis, that is, that the aircraft will do precisly what they say it will do.

But what I am contending is that even with that concession, the enormous cost of the B–1 cannot be justified by the nature of the threat that faces us, or the slight improvement it would make over the B–52/FB–111 combination, or by the missions it is supposed to perform.

In other words, even if this complicated new bomber does every single thing its designers say it will do, my argument is that we do not need the aircraft.

Remember that we already have spent more on this program than we spent on the B–70; and I contend here today that everything more that we put from this day forward into the B–1—at least, everything that goes beyond what it takes to keep the program on hold until the alternatives have been reexamined—will prove to be money that is thrown away by Congress.

The earlier answer to the strategic bomber requirement, the B–70, is now resting in an air museum at Wright-Patterson Air Force Base, in Ohio, and it is a $1.4 billion museum piece. That is really all we got out of this investment in the B–70. It is an embarrassment to everyone who promoted it as the strategic bomber of the future.

Many of the same arguments that we will hear advanced here today for the B–1 were argued on this floor for the B–70, and now it is in a museum, to remind us of an expenditure of nearly $1.5 billion that produced nothing.

I remind my colleagues that it is not an embarrassment because it failed to measure up to specifications. The B–70 could fly pretty much the way it was designed to fly. The trouble was that we were building a high altitude aircraft to send up against surface-to-air missiles that could fly just as high and many times faster than the B–70. It was the wrong design for the wrong mission.

The B–1, in my opinion, will prove to follow precisely the same path, or nearly the same path, as the history we had with the B–70. We have already spent more than $1.6 billion on the B–1, which makes it more expensive at this point than the B–70. By next year at this time, we will have one flying prototype, if we go ahead with the recommended program as it now stands in the committee bill, and we will then have spent $2.1 billion.

It is my very deep conviction that we will have a $2 billion airplane to put out there in the Wright-Patterson museum along with the B–70. In the meantime, we will have wasted more money that could just as well be saved by the proposal in the pending amendment.

For those who believe there is a role for manned aircraft in our deterrent—and I am one who believes that; I think we do need a bomber in our deterrent force—we would have diverted our attention and postponed actions on alternative

designs that could be worthwhile additions to our strategic forces.

Mr. President, I urge every Senator who believes that we need an efficient, reasonably priced bomber deterrent force to consider this amendment, which opens the way for more careful study of alternative possibilities, rather than to move ahead on the present schedule with the B–1. We can start now, with the knowledge that the latest model B–52's, the B–52G's, and the B–52H's, along with the FB–111, can stay in efficient operation through the 1980's.

In other words, we are not really up against the gun on this decision. We have a superb bomber in the B–52 and the FB–111 that will be operational for at least another 15 years and will do the job very well. The difference between those bombers and the capability of the B–1, for all practical purposes, is highly questionable.

We have 255 B–52G's and H's and 66 FB–111's, organized into an operational squadron, and that is an incredible strike force, capable of unloading an enormous payload. They can carry some 13,572,000 pounds of payload. With the nuclear-tipped, short-range attack missiles we are now adding, that force, without our missiles, without our Minuteman missiles, without our submarines, can strike some 2,826 different targets with nuclear warheads in the medium kiloton range. That is more than 10 times the number of population and industrial targets there are in the Soviet Union that are worth being hit, if our aim is to deter a nuclear attack. That, in fact, is the strategic bomber force we have been operating with for a number of years.

We have other B–52's still operational—the 120–D models and the 22–F models—but they have been used either for training or for assignment to conventional roles. Unlike the later model G's and the H's, the D's and F's were not designed for flying at low altitude, which is now seen as an essential method of penetrating even moderately sophisticated defenses. We are putting money into the modernization of some of the D models, but they will still have only a secondary role in any nuclear contest. So if we want to put the B–1 in the force at the beginning of the 1980's, it will be not a replacement for the existing strategic bomber force but an addition to it.

This bomber is sometimes referred to as a follow-on bomber; but under the presently proposed schedule, it will be added to perfectly effective B–52's and FB–111's that will remain in our strategic force well into the 1980's.

It seems to me that someone has the obligation to explain why, in the next decade, we must have a dramatic increase in the size and the total payload of our strategic bomber force. What has happened or what is foreseen, at a time when we are supposedly improving our relations with the Soviet Union and with the Chinese, to justify a dramatic increase in the bomber payload, at a time when we are increasing the capabilities of our Minuteman missiles, our submarine missiles, and our attack forces?

If we count the B–52D's and F's in the present force, which I think probably overstates it, we get a payload of almost 21 million pounds. It is 13.5 million pounds if only the late model B–52's and FB–111's are counted. In other words, assuming that we take the payload carried only by our best bombers, we now have about 13.5 million pounds. If we were to add the B–1 to that strike force in the decade of the 1980's, our payload would then move to 52 million pounds, an increase of some four times the size of our present capability; and with the SRAM missile, we would be able to carry more than 6,000 nuclear force loadings, and probably more, compared to the 2,300 we can carry now.

Here, again, what is the explanation of this huge increase in the bomber force, at a time when we are supposedly moving toward a better accommodation with our potential adversaries and, indeed, are in the midst of arms negotiations to reduce armaments, rather than to quadruple the size of a strategic bomber payload.

Do we have some new evidence that the Russians are scattering their population and industry? Are they building more big cities we have to be able to hit? What is the rationalization for this enormous expenditure in scarce materials and dollars at a time when our economy is already under great inflationary pressure to increase so dramatically the bomber force of our country?

There has been a highly sophisticated claim offered that there is a counterforce role for the B–1 bomber. I shall discuss that in some detail later on before this debate is ended. For the present let me say that to have any plausibility it would require considerably more cooperation from the Russians than we can expect in a nuclear war. And it does not strengthen at all the case for this proposed program to increase the payload of our bomber force by more than two and a half times.

Why, then, the urgent need to rush ahead with the B–1 for the 1980's?

The other possible reason is that we expect some development in Soviet defense or counterforce capabilities that would render the B–52's and the FB–111's unsuitable in the 1980's; in other words, some change that the B–1 could get through but these other aircraft could not penetrate.

For that argument to have any validity on the defensive side, that would mean an effective "look down-shoot down" capability; in other words, the capacity for airborne radar that could locate and lock on to these low-flying bombers, and air-to-air missiles or interceptors that could knock them down from above—look down on these low-flying bombers and fire air-to-air missiles or interceptors that could look down on them and knock them down.

The Committee on Armed Services heard testimony on this possibility last year. Maj. Gen. William Evans, who was then the Assistant Deputy Air Force Chief of Staff for Research and Development, had this to say:

"The most likely solution to the Soviets (deleted). There is no indication that they are developing a look down-shoot down capability. It is estimated, however, that they desire such a capability and could achieve it in the late 1970's . . .

"This would pose a threat to bombers penetrating at low level. However, high penetration speeds, counter measures, and counter tactics would decrease the significance of this threat."

Read closely, this does not suggest that the Soviet Union is building or even planning to build a defense capability that could intercept existing B–52 and FB–111 bombers. On the contrary, the only evidence given is speculation about Soviet desires—hardly a strong justification for a multibillion dollar military program.

Furthermore, that estimate of Soviet desires does not give them any credit at all for commonsense. Under the SALT I agreement they have agreed to remain vulnerable to our missiles—our ICBM's and our submarine launched missiles.

They have agreed not to build a defense against those missiles. Given the multiplication of those forces with MIRV's, it is exceedingly doubtful that they could defend against them even if they had wanted to. But in any case they have agreed not to deploy active missile defenses beyond the two sites allowed by the agreement.

Then why on earth—when they are vulnerable to complete destruction by missiles—would they try to defend against bombers.

I suspect that the Soviet Union is no more anxious to waste money than we are. And listen to what Secretary of Defense Schlesinger says on bomber defenses in the fiscal 1975 annual Defense Department report:

". . . without effective ABM defenses, air defenses are of very limited value against potential aggressors armed with strategic missiles. This interdependency of antiballistic missile and anti-bomber defenses has been well understood for many years. But as long as there was some chance that we might deploy at least a thin nationwide ABM defense, it made sense to keep open the option to deploy a complementary air defense. Now that the ABM treaty limiting both sides to only 100 operational ABM launchers at each of two sites has been signed, the deployment of even a thin nationwide ABM defense has been foreclosed. . . .

Since we cannot defend our cities against strategic missiles, there is nothing to be gained by trying to defend them against a relatively small force of Soviet bombers.

Mr. President, I suggest if it makes no sense for us to build a costly defense against Soviet bombers knowing we would be destroyed by their missiles in any event in case nuclear war should come, surely on their side the same kind of reasoning is going on. It raises the question as to what kind of consideration on their part has prompted the need for this enormously expensive new bomber system to add on top of the already effective nuclear bomber that we now have, which is infinitely better than anything in the Soviet system.

That is how Secretary Schlesinger explains the continuing reduction in our own continental air defense efforts. And by the same reasoning, under the same SALT agreement, the Russians would gain nothing by building the kind of air defense system General Evans thought they might "desire."

But what if they are that foolish? They have done some foolish things in the past.

If they were to build a "look down-shoot down" capability, the differences between the B–1 and the B–52/FB–111 combination would be slight indeed.

The B–1 would have a smaller radar cross-section and a smaller infrared signature than the B–52. But neither one of those signals would disappear. A system that could detect the B–52's could probably also detect the B–1 if we were relying on these measurements to get us through.

So nothing of the substance has been gained in terms of greater penetration capability.

The B–1 is also slightly faster than the B–52. But at low altitudes it is still a supersonic aircraft. The supersonic capability at low altitudes was a characteristic of the B–1 and that was dropped several years ago, I presume to save money. But regardless of the reason it sacrificed one of the arguments which we were told gave us an advantage over the late model B–52.

It is simply not going to be fast enough to outfly high-speed interceptors. And no manned aircraft is going to be fast enough to outfly surface-to-air or air-to-air missiles that can travel thousands of miles per hour.

I think a very large proportion of either the B–1 or the B–52/FB–111 combination would still get through. Because the key to penetrating advanced defenses is not the radar cross-section, the infra-red signature, or the speed. It lies in defensive avionics, in electronic countermeasures, in chaff, in decoys, in stand-off missiles, and in other steps to either confuse or suppress the defenses. And those same features can be and are being incorporated into the B–52. Not one of those devices cannot be incorporated in the B–52; and, as a matter of fact, they are being incorporated in the B–52.

There is still the question of prelaunch survivability. If either plane can penetrate, then might not the Soviet Union try to knock them out on the ground, before they can even begin their missions?

That is a legitimate question.

In this case, again, the B–52's are quite secure. The attack on our bombers would have to come from submarine-launched missiles because ICBM's would give too much warning. But our B–52's can also take off very quickly, and both they and the tankers are being equipped with quick-start devices so they can be launched with even greater speed. We are also improving our communications systems to shorten the time between warning and launch.

If it lives up to its billing, the B–1 will be able to get off the ground still more rapidly, and it will need shorter runways. But that feature is not essential to its prelaunch survival. Instead it will permit the bombers to be stationed nearer the coasts, so we can reserve inland based for the tankers.

So in sum, neither the strategic outlook nor the age of our existing bomber force can warrant the timetable represented by the fiscal 1975 B–1 program. We can well afford to save some of this money.

I am going to predict again, Mr. President, that we are going to regret it if we do not, and we are going to come back next year, or at some point, and cancel this project. We might just as well begin to take some of the economy measures now that will save us a quarter of a billion dollars of urgently needed funds

In a time of economic trouble, I think every Senator must agree that we should be tough on these programs. We should be looking for every area where money can be saved. More than most other kinds of spending, these military procurement and research and development dollars translate directly into more inflation—into shrinking dollars.

I can understand why the Air Force wants the B–1. It is a dream machine—the ultimate in strategic aircraft. As a former bomber pilot, I am still fascinated by the entire concept. That is one reason why I have spent so much time studying this program for the past 4 or 5 years, because my own emotional reaction is more favorable to the bomber than to the missile; but we have to set aside emotion and sentiment when we talk about the defense of the country.

Here is a swing-wing supersonic gem of a plane. Any pilot would love to fly it. It will look great on the recruiting posters. It is the most advanced aircraft technology can design and money—$15 billion in money—can buy. It is really the Rolls-Royce of the Air Force, and every pilot would love to fly it.

The trouble is that these are taxpayers' dollars we are spending, and they are being poured into an aircraft that we do not need and that does not fit remaining bomber missions.

It may be some sentimental notion of what a sleek looking bomber should be, but it adds very little to the capability of the late B–52's and the F–111's that we now have.

As sure as I am standing here, we will at some point come to terms with that conclusion. Whether it is this year or next year or some time later, we will conclude that there are better and less expensive options, both for the 1980's and beyond.

That is why I urge that along with a truly independent cost-effectiveness study, we reduce the B–1 program in 1975. When it is ultimately stopped—and I am convinced that is going to happen—either by the Congress or the White House or by the Pentagon itself, I do not think any of us wants the assignment of explaining to the American people why we kept pouring their hard-earned money into the B–1 long after we could see that like the B–70, it was the wrong system for the job.

We really do not need another $2 billion museum piece at the Wright-Paterson Air Museum.

Mr. President, I reserve the remainder of my time.

Mr. STENNIS. Mr. President, on the pending amendment how much time is allowed to the opposition?

The PRESIDING OFFICER. Ninety minutes.

Mr. STENNIS. I yield myself 3 minutes.

Mr. President, the committee, through the subcommittee chaired by the Senator from New Hampshire (Mr. McINTYRE), has exhaustively gone through this B–1 program and gave an analysis, first, and then consideration to it. They have come up with this firm figure of $455 million, which itself is a $44 million reduction from the recommendation of the Department of Defense. That reduction will be fully justified. It is a reduction of approximately 5 percent, but they told me—and I have no doubt that they are correct—that to keep this program going, considering the stage that it has already reached, it is not a matter of choice; they just must have this $455 million to go ahead with these three prototypes.

So the question is not whether we are going to make it $455 million or $200 million; the question is whether or not we are going to move along this "fly-before-you-buy" concept. We have just reached that stage, as of course that stage is always reached at some time with any weapon. We have had this B–1 on paper now for 10 years—almost that, anyway. So I think the program will be overwhelmingly justified, without doubt.

That is my position as chairman of the committee, and I am very much concerned that we intrude, after all this money we have spent, and disarrange this schedule, unless we really mean to stop the program.

Mr. President, I have certain additional remarks to make now.

I would like to speak further in opposition to the amendment introduced by the senior Senator from South Dakota, affecting the B–1 bomber program. The Senator is proposing with his amendment to reduce the fiscal year 1975 program by more than one-half, from $455 million to $200 million, and to call for new studies into the bomber mission of the Air Force. This amendment actually would kill the B–1 program.

Mr. President, last year as you know we held lengthy hearings on the B–1 program to get a complete understanding of the way the Air Force wanted to proceed with the program. We were not satisfied that the Air Force or the contractor were properly managing the program. This year, therefore, we were on guard to delve into every aspect of this program that could be examined.

The Air Force presented a request for a fourth development aircraft and for additional new development work. The committee said no to these requests and directed the Air Force to continue along the lines of development that we approved last year under the fly-before-buy concept. This requires that they get some hard flight-test data before committing the program to additional aircraft. To assure that this program could be continued during fiscal year 1975 with adequate funding to avoid any further program delays, the committee added money to the basic development program to allow for unforeseen problems that could arise in the early flight-test program.

With only $200 million in fiscal year 1975, it would no longer be feasible to pursue the fly-before-buy development program that the Senate Armed Services Committee has directed the Air Force to follow in the B–1 program. The develop-

ment program would be curtailed to a point where insufficient test data would be available to form an adequate evaluation for a sound production decision to be made later. This proposed amendment would require a complete reorientation of the B–1 program and further prolong development with no goal for a production decision.

This proposed amendment also requires further studies to be made regarding the mission of the manned bomber. I should point out here that such a study is now being performed by the Department of Defense and this study will incorporate most, if not all, of the alternative proposals suggested in this amendment. I fail to see where anything would be gained from an amendment directing a further study of this program.

This B–1 program has been studied, evaluated, criticized, and discussed from almost all viewpoints. The R. & D. Subcommittee has extensively reviewed this program and proposed a course of action that we hope will provide a sound basis in fiscal year 1976 for either continuing the program or taking some other alternative course of action. The committee unanimously supports this recommendation. We are presenting to the Senate what we believe is a sound program for fiscal year 1975 and are requesting your full support for this program.

To summarize, Mr. President, the proposed amendment, if adopted, would terminate the present B–1 development program and leave a potential gap in our national security. It will certainly weaken our posture in current SALT II discussions with the Soviets, particularly since recent reports reveal that they intend to seek agreement in future SALT negotiations to end the B–1 program. The Triad of deterrence, which includes a strategic bomber, has been the mainstay of our national defense for many years. The B–1, if successfully developed and if the cost is not too great, will replace the aging B–52 and help guarantee the future safety of our country.

Mr. President, the Senator from New Hampshire (Mr. McINTYRE), chairman of the subcommittee that had all these hearings, is prepared to defend what the subcommittee did. I have talked with him——

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. STENNIS. I yield myself 1 additional minute.

I have spoken with the Senator from New Hampshire, and he expects to take a couple of minutes now and will also speak later.

I yield 2 minutes to the distinguished Senator from New Hampshire.

Mr. McINTYRE. Mr. President, no program took as much time this year in the Research and Development Subcommittee of the Committee on Armed Services as did the B–1 program. The B–1 program has a long career of difficulty on the floor of the Senate. But in our R. & D. work this year, we had the tremendous assistance of the distinguished Senator from Arizona (Mr. GOLDWATER), whom I consider to be the leader in this field.

So if it would be appropriate, Mr. President, I should like to have the initial rebuttal on the amendment of the distinguished Senator from South Dakota (Mr. McGOVERN) made by the distinguished Senator from Arizona. Then I will follow up after that; and then possibly the distinguished Senator from South Carolina (Mr. THURMOND) will wish to speak.

Mr. STENNIS. All right. I consider the Senator from New Hampshire to be in charge of this section of the bill for the committee, and of course the distinguished Senator from South Carolina is the ranking minority member. I thought that the distinguished Senator from Arizona (Mr. GOLDWATER) would be the next logical speaker to respond.

How much time does the Senator from Arizona desire? Thirty minutes?

Mr. GOLDWATER. Thirty minutes, yes.

Mr. STENNIS. Mr. President, I yield 30 minutes to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, with the pending amendment, the Members of Congress for Peace Through Law are making their annual attack on the B–1. Almost since the B–1 research and development program began, it has been challenged as not being within cost estimates, or as not meeting required performance specifications, or as not being required, or as a combination of all of these.

Mr. President, I intend to address each of these areas as I proceed with my remarks.

The anti-B–1 amendment offered this year would limit the fiscal year 1975 B–1 effort to $200 million, $255 million less than recommended by the Armed Services Committee and $299 million less than requested by the Air Force. The amendment would also require a congressional mandated cost effectiveness study of the manned bomber mission of the Air Force.

Mr. President, addressing the second part of the amendment first, I see no need for yet another study. As has already been pointed out, the Department of Defense is currently engaged in a study almost identical to the one required in this amendment. I believe the major difference is the selection of the analysts and the requirement for a congressional review of the assumptions and methodology. At any rate, the DOD study is managed by the Director, Defense research and engineering—D.D.R. & E.—and is examining the role of the manned bomber and the tradeoffs between various alternatives, such as the re-engined B–52 and the stretched FB–111. I understand that the study is to be completed this month.

As if that is not enough, our committee report encourages the Secretary of Defense to conduct a comprehensive cost-effectiveness study with the option of including participation by the GAO and independent technical, financial, and management experts, to include looking at other alternatives to the B–1. I would note that our report language is not directive, nor was it intended to be, since we were well aware of the ongoing DOD study. However, it does indicate to the Secretary of Defense that the committee would support outside participation if the Secretary felt so inclined.

Personally, at this juncture, I am leery of the motives of those who speak against the B–1 and then call for further studies. I believe their entire effort is really designed to kill the B–1. Therefore, this particular group will never be satisfied until a study has concluded that the B–1 should be scrapped, consequently, the conclusion they are looking for is predetermined. I would suspect that they feel that the only "objective" study is the one that comes up with their predetermined conclusion.

Mr. President, I think this whole subject has been studied to death, and that includes informal as well as formal studies. It may be that some Senators have forgotten that the B–1 is being developed under the fly-before-buy concept. That will preclude us from buying a so-called pig-in-a-poke because we will know what the B–1 can do from its flight test program. Ample data on which to make a production decision will be available. I may say that the B–1 is expected to fly in October of this year. So I suggest to the Senate that further studies, in addition to the one now ongoing, would serve no useful purpose. We should stop all these sidetracking diversions and devote the saved energy to the B–1 program.

Mr. President, turning to the fund reduction recommended by the amendment, I submit a reduction of this magnitude would, in effect, kill the B–1 program. For sure it would cause an unrealistic stretchout of the program to the point of making it completely uneconomical. Even the three-aircraft program is not the most economical way to proceed, but it is acceptable. Anything less will cause an unnecessary waste of funds. For example, with the current three-aircraft program, Rockwell International has encountered difficulty in getting certain small lots of parts fabricated. Many small manufacturers indicated that the small volume was not worth the effort or else they asked an unreasonably high price. To further reduce the program would only compound the problem as well as increase the impact of inflation, an area that has been mentioned by the sponsor of the amendment.

The MCPL report on the B–1 pointed out how the program has escalated by $5.6 billion since the program began in 1970. Actually, the selected acquisition reports—SAR's—show the change has been $5.2 billion, since the estimated total program cost in 1970 was $9.8 billion and the latest SAR estimate is $15. billion. However, the Air Force advises that approximately $4 billion of that estimated increase is directly attributable to inflation, and only $1.2 billion can be attributed to real cost growth, which is a fancy way of saying that cost increases have occurred because of the way the program has been managed. Thought of another way, real cost growth occurs because of our inability to accurately predict all the difficulties we will incur in a program.

Certainly, cost growth cannot be thought of as being exclusive to the B–1. I am hard pressed to think of a program

that has not incurred some. Even our own District of Columbia Metro system, to put it mildly, has experienced cost growth. But we never hear about it on the floors of Congress. If we cannot put a train in a tunnel without cost growth, how can we expect to do any better putting a bomber in the sky?

Mr. President, we must remember these costs are in "then-year" dollars so there has to be a lot of crystal ball gazing involved. Therefore, I do not think they mean a great deal and should only be thought of as indicative. If we do not get the inflationary spiral slowed down, the then-year cost will be a lot more. But then, so will everything else and at that point the whole thing becomes academic. However, in my opinion, none of these exercises really serves any useful purpose. The cost of the B–1 is merely a reflection of what labor and materials cost in today's market. The contractor's profit of about 8 percent has not increased, but labor and materials have. And they will probably continue to rise.

The best experts we have in the business have designed an aircraft to perform a mission. It must not only be able to perform that mission, if required, when it enters the inventory in 1980, but it must still be able to perform the mission in the year 2000 and after. We are not building an airplane for a 4- or 5-year life span. This one will have to last 20 years or longer. Surely we cannot afford to have it become obsolescent in any less time. I agree that a program unit price of about $61 million is expensive, but if it lasts 20 years that is a cost of about $3 million per year or about 5 percent of the purchase price each year. However, the average family car these days at about $4,500 lasts about 5 years and costs its owner about 13 percent of the purchase price each year, and that grants the car is worth $1,500 at the end of 5 years. So in relative terms the family car is a more expensive investment for its owner than the B–1 will be for the American taxpayer. I give this illustration only to try to put the B–1 price in perspective. It is a long-term investment that is affordable and one that will contribute to the national security for many years in the future.

Now turning to the management of the B–1 program, I do not give the Air Force high marks nor do I give the contractor great praise for the way the program has gone thus far. To the contrary, a review of my remarks during our hearings this year, as well as last year, will indicate I have been somewhat less than complimentary. But I do have high praise for the first aircraft, which is practically completed, and for the very talented and conscientious people who are able to build this aircraft. It is quite a remarkable achievement.

Now how good is the B–1? Will it do what it is being designed to do? In spite of charges to the contrary, the B–1, as it stands today, meets all Air Force performance requirements. During our Research and Development Subcommittee hearings on the B–1, I specifically asked Gen. John C. Meyer, commander in chief, Strategic Air Command, how he felt about the ability of the B–1 to perform. Our exchange went as follows:

Senator GOLDWATER. My question is, does the Air Force have performance requirements for the B–1 which, if not met, would cause major modification or even cancellation of the program?

General MEYER. I don't foresee any changes that would result in that sort of consequence. The changes that appeared to have occurred to date, whether we go to the least likely or the most likely or the worst case, all can be easily accommodated within the operational requirements of our plans and of the Strategic Air Command.

The basic reason for this, of course, is the flexibility that you have a big airplane of extraordinary performance to begin with, and you can make trade-offs for those missions which require the maximum range, maximum performance at maximum speeds and so forth. You make tradeoffs with your bomb loads, and in some cases a little bit of extra fuel in the tanker offload. So that we are able to accommodate by operational techniques and planning all of the deficiencies that are envisioned even in the worst case.

Senator GOLDWATER. Well, are you satisfied to date that the B–1 will meet or exceed Air Force performance requirements?

General MEYER. Meet or exceed what?

Senator GOLDWATER. Air Force performance requirements.

General MEYER. Air Force performance requirements. Yes, sir, I am.

Senator GOLDWATER. You are.

General MEYER. I am not talking about specifications. There have been some specifications that may not be met.

Senator GOLDWATER. We have discussed requirements such as subsonic mission distance, penetration distance, withdrawal distance, and penetration speed. I think we have had those figures in the record.

General MEYER. The answer is yes, sir, I am satisfied.

Senator GOLDWATER. Thank you.

Mr. President, a suggestion in the MCPL report was to drop the supersonic capability of the B–1. This, the report implied, would cut several billions of dollars from the cost of the program without any serious reduction in the B–1's important performance characteristics. Earlier the report stated the high altitude supersonic capability was not relevant anyway to the problem of penetrating Soviet defenses. I would point out that the report provides no hard data on how it came to these conclusions. Those who support these statements seem to be forgetting that the B–1 will probably be around until after the turn of the century and with that in mind who has the clairvoyance to say categorically a supersonic capability will not be required to penetrate Soviet defenses.

I also suggest the United States may have other potential adversaries during that same time frame, so it makes little sense to optimize the performance of a weapons system to one particular situation. Although the pendulum has swung toward low-level penetration tactics over the past several years because of the surface-to-air missile environment, that does not mean such will continue to be the case. To me, the odds are it will go the other way.

Let me remind my colleagues that General Meyer, probably more than any other U.S. military officer knows what aircraft performance is required to complete the strategic mission. And if he is satisfied the B–1 has the necessary performance characteristcs to do the job, then I do not see how we can give one iota of credibility to those would be armchair generals and strategists who would change performance characteristics or who claim the B–1 cannot hack the mission.

Mr. President, during a further exchange with General Meyer, we discussed at some length the TRIAD and the role of the manned bomber in that TRIAD. Within that discussion General Meyer spoke about selective response and the B–1. Our exchange went as follows:

Senator GOLDWATER. One more question for General Meyer. Last week, General Allen told us that if deterrence should fail, the TRIAD gives the nation the capability to respond selectively, and thereby reduce the chances of uncontrolled escalation to a general nuclear war. I have three questions on that. Do you accept that statement as a valid observation?

General MEYER. Yes sir, I do.

Senator GOLDWATER. Second, if deterrence fails, under what circumstances do you visualize a selective response?

General MEYER. My hesitation is to compose the best and quickest example that I can. I think the time has come where the assured destruction as the only measure of deterrence or the sine qua non of deterrence has passed us by. I think that was a very good strategy when we had overwhelming superiority, or at least some measure of supremacy. The time has come now when not only Soviet and U.S. strategic forces are in parity, but it is understood by the world to be so, or nearly so.

Mr. President, I will add that I feel that Soviet forces, in some areas, are superior to the U.S. forces. That is my own observation, not that of General Meyer. To continue with General Meyer's response:

That raises a question of credibility, of the willingness of the United States to respond to a major adventurism on the part of the Soviets—less than an all-out strategic attack on the United States in any nuclear way—to respond in a way that means a choice of either killing large numbers of Soviets with the certainty of losing great numbers of American lives, or not responding at all.

So I think that it is important that we have a capability to respond in some less massive way so that the credibility of the increased likelihood of such a response will increase our deterrence against lesser adventurism as compared to an all-out attack on the United States.

Now what does all that mean?

It means to me that we could select some targets on the periphery or within the Soviet Union that we could attack with nuclear weapons and that these targets would be targets of high value, something that the Soviets would cherish, and our capability to do that in a selective way would become apparent before we would in fact do so. The Soviets then, recognizing that we do have such a capability to respond to their possible limited use of nuclear weapons, may perceive more readily a challenge by nuclear response if all-out retaliation is not our only option.

How credible would it be? How credible is it if they overran the Middle East and we had used up our conventional cards? How credible would it be if the only next step would be an all-out attack on the Soviet Union? I don't think anybody, including ourselves, believes that we would do that.

I remind the Senate, Mr. President, that this is the Commander of the Strategic Air Command speaking here.

He continued:

I think that it is quite reasonable to believe that we might do something considerably less than that.

And then I think you had a third part.

Senator GOLDWATER. I do. Do you believe selective response is feasible with only the Minuteman or Poseidon force?

General MEYER. It depends upon what your choice, what your selection is, and there are some things which those forces could do.

And here, in the manuscript, I see the word "[deleted]." That means, of course, only that classified material has been withdrawn from the transcript.

General Meyer continued:

Then too, you need more than one missile to have assurance that you are going to destroy the target.

I think it is manifest in such a strategy that you succeed in destroying a target that you select to destroy. And I believe that an aircraft that has the accuracy capability of the B–1 is most ideally suited for such a strategy. [Deleted.]

You have difficulty computing how many casualties you may have over a period of time from the residual effects, but we could use an air burst which would reduce that to an absolute minimum, with no significant collateral damage. It would take very few B–1s. One B–1 could do the job, but you might want maybe two or three to insure that you got at least one there under those kinds of circumstances. You could go for a larger option, more intense option, with a missile force, if you are not concerned about collateral damage or casualties. If you have enough targets, a large missile field, for example, SS9 fields, and you could go after them. [Deleted.]

One other important thing I think to remember is that whatever attrition rate one may assign to a bomber force doing that kind of a job, whatever it is, it is better than the attrition rate on a missile. When you fire a missile, you never get it back. You can argue, if you send in 10 B–52s, whether you get back five or eight, or get four back, but it is not going to be zero as it most certainly will be with missiles. With the B–1 your recovery rate is going to be quite a bit higher than that with B–52s or, obviously, with missiles.

Therefore, in answer to your question, I think the missile is a good weapon for the concept of lesser nuclear options of the higher order, but not of the smaller order.

Of course, if your targets are peripheral, or on the edge of the Soviet Union, then we could do the job with F–4's off of carrier decks or from other airfields, or a little further in we could do it with FB–111's which have accuracies quite similar to what we will have in the B–1.

Of course, for the longer ranges, we would have to use the B–1.

Mr. President, I might interject at this point that the B–52 has an extremely long range, of course. I cannot give you, Mr. President, the range of the B–1. It is classified, but it is a very long-range bomber. In addition, of course, both are air refuelable so range per se becomes somewhat academic. The FB–111 has a comparatively short unrefueled range and, in my opinion, is a bomber that would best be used with tactical forces.

Mr. President, even though part of the exchange has been deleted for security reasons, I believe the utility of an aircraft with the performance characteristics of the B–1 is readily evident. And further, I believe one can see the flexibility provided to the National Command Authority by the manned bomber and that the B–1 will greatly enhance this selective response capability.

Now I am a strong supporter of the need for manned bombers and, in particular, for the B–1. However, neither I nor the committee rubber stamped this year's dollar request of the Air Force. Specifically, the committee denied the request for funds to begin aircraft No. 4 and took the position there was no need to proceed with aircraft No. 4 since it would not provide any additional data on which to base a production decision. In this regard, the committee has tried to adhere to the policy of minimum investment prior to the production decision.

However, let me advise my colleagues that this policy, while less expensive if the B–1 never goes to production, will be more expensive if the B–1 does go to production. It will be more expensive because the way the three aircraft program is now scheduled the contractor will have little to do between the time the three R. & D. aircraft are completed and start of the first production aircraft begins. Consequently, the contractor will have to lay off the majority of his skilled labor team that has been built up over the past 3½ years and, thus, when a production contract is awarded, it will be necessary to rebuild and retrain a new labor force. That will take extra time and extra money and total program costs will necessarily increase. So one of the major reasons for aircraft No. 4 was to bridge this gap to production; the other was the need to build a production configured aircraft—something that will be required and is essential to a successful production aircraft run.

Nevertheless, the program recommended is more conservative. The committee believes that, despite the potential for increased program costs, it is still prudent to continue to make only the minimum investment prior to the production decision, or at least until we have some good flight data. Thus, the funding recommended supports the three aircraft program, a program I might add that for the past 3½ years has been stated as adequate by the Air Force. The $455 million recommended is a very adequate level of funding, including ample management reserve if required. I might add here that the committee was concerned that the original Air Force request of $499 million contained only $10 million as a management reserve, an amount, if past experience is any indicator, that would prove to be inadequate.

Additionally, the committee report indicates it is less concerned with the B–1 making a specified flight date than it is with the flight test data that can be presented to the committee next year. The committee also believe a successfully progressing and on-going flight program could have a significant impact on the fiscal year 1976 program considerations and recommendations. The program recommended, therefore, provides the Air Force adequate funds to proceed with the three aircraft program and into the flight test program for aircraft No. 1.

I believe this is the year of B–1 opportunity for the Air Force. We are, in effect, putting the ball in their court and if the program proceeds as planned, it is my opinion that next year will be the time to move out smartly. I think a minimum of five preproduction aircraft would be in order and I trust that, in any case, the fund request will be indicative that the B–1 is the Air Force's No. 1 research and development program.

Mr. President, the Armed Services Committee has devoted considerable time and effort to the B–1 program. I believe by proceeding with the three aircraft and denying the request to begin the fourth aircraft, the B–1 program is progressing in an orderly and acceptable manner. Further, it is my belief, as well as the belief of the majority of the committee, that further study at this particular time would serve no useful purpose.

Therefore, Mr. President, I urge my colleagues to reject the pending amendment and to support the recommendation of the committee.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. BIDEN). Five minutes remain of the Senator's one-half hour.

Mr. GOLDWATER. I thank the Chair.

Mr. President, several remarks have been made by the proponents of the amendment that I think should be observed here. In the Vietnam war, where the latest Soviet missiles were used, the chances of a high-flying bomber being hit by surface-to-air missiles were not quite as great as expected. However, there is also a real danger to low-flying aircraft from surface-to-air missiles where they can also be tracked. But this bomber will have electronic countermeasures developed to the point where its chances of avoiding surface-to-air missiles are very high. It would have difficulty, of course, avoiding air-to-air missiles that might be launched from enemy aircraft, although these can also be jammed.

So the argument that, as of now, it is in danger, I do not buy, because as the bomber progresses, even though the Soviets progress with their ability in surface-to-air missiles, we will also progress with our electronic countermeasures and the ability to avoid SAM missiles.

The remark was made that the B–70 is a billion and a half dollar museum piece. It was not a museum piece because of the desires of the Air Force. It became a museum piece because the man who was Secretary of Defense at that time, who made more mistakes as Secretary of Defense than all the Secretaries of Defense we have ever had, who almost individually changed the whole course of our military might, on his own volition, his own instincts, said that the B–70 would not be continued—and it was not.

So it is not an aircraft that was dropped by Congress, or dropped by the Air Force, but it was dropped on the whims of one man who I say made so many mistakes that this country will probably never get over paying for it.

We have heard the arguments time and again about updating the B–52.

Even the most modern B–52H's are now beginning to reach the stage of metal fatigue. I do not know how many hours they will go. The old B–52 could stand about 4,000 hours of torture of metal fatigue, and then it had to be almost completely reskinned. The G's and H's are not probably near that yet, but they will be.

The B–52 aircraft, while designed for high altitude flight, has been used more on low altitude flight, particularly training missions, where we can encounter extreme turbulence, and the aircraft is subjected to G-forces that it was never designed to be subjected to.

So updating the B–52's, even re-engining the B–52's, I firmly believe, would result in an airplane that would, in the long-run, cost us more than the B–1. Structurally, I cannot see how the B–52, regardless of what you did to it, could last as long as is planned for the B–1.

As to updating the FB–111, that is a relatively small aircraft. It is very fast, has great penetration ability, and is a wonderful aircraft to fly. I have had a few hours in it. But to extend this aircraft or to stretch it would not make it, by any stretch of imagination, a bomber to replace the B–52 or the B–1.

There are so many advantages of the B–1, that I think we have to go on with it.

In closing, I have to make an observation that I reluctantly make; but I know that all Members of the Senate have received a "Dear Senator" letter this morning from the Federation of American Scientists.

The letterhead contains the names of some of the most famous scientists we have. Many of them are Nobel laureates. But I might just comment that in all my years on the Armed Services Committee and on the Space and Aeronautics Committee, I have never heard this group of scientists come out for any weapons system, or anything we are doing in space, without reservations. I do not think they are right in using the title "Federation of American Scientists." They ought to rename themselves "The Committee Against the Armed Strength of the United States."

I cannot imagine for 1 minute how some of these highly intelligent, highly trained men can come to conclusions that are not based on fact. If one of those men came to me and suggested that we build a certain structure and told me why the structure would or would not work, I would believe him, but he would back it up with facts. There are no facts in this letter. It was probably a matter of a bunch of scientists sitting around a computer, with nothing else to do, and they began to feed information into it and got a wrong answer, as can happen with a computer. If they had used their brains instead of the computer, I think we would be much better off.

I see that my old friend John Galbraith is a member of the Federation of American Scientists. He is a great economist and a fine man, but I am not quite sure what he could do with a slide rule or a computer.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield the Senator 5 minutes.

Mr. GOLDWATER. I do not need any more time. I have said all I want to say right now.

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

Mr. GOLDWATER. I have no more time.

Mr. STENNIS. I yield the Senator 5 minutes.

Mr. THURMOND. Mr. President, I want to take this opportunity to commend the able and distinguished Senator from Arizona for the excellent presentation he has made with respect to the B–1.

There is no question that the B–1 is badly needed. There is no question that the Senator from Arizona is an expert in this field, and I am highly pleased at the facts he has brought before the Senate today.

Mr. GOLDWATER. I thank the Senator.

Mr. McINTYRE. Mr. President, will the Senator yield me 10 minutes?

Mr. STENNIS. I yield the Senator 10 minutes, and such additional time as he may desire.

Mr. McINTYRE. Mr. President, first, I want to say to the able Senator from Arizona, who is a member of the subcommittee, that his statement here this morning is about as strong a statement as can be made in defense of this very important program, the B–1. His presence on the subcommittee—and the full committee, too, for that matter—is of great strength in this area. He has had long experience with the Air Force and has great expertise. We have to restrain him. He is out trying to fly everything the Air Force or anybody else is building. He is a very valuable member of the subcommittee, and I know that the chairman of the full committee agrees. So I congratulate the Senator from Arizona on his fine statement.

Mr. President, amendment No. 1346 introduced by my good friend, the senior Senator from South Dakota, is premature and should be rejected. Let me say that I can fully understand why the Senator from South Dakota comes in here and argues as he does; because this is a program that has had its ups and downs. It is a program that has confused many of us. I wonder to this day whether or not we can build a bomber that can penetrate some of the known Soviet defenses, if that problem should ever come about—and God willing, it will not. It is a program that has been in turmoil.

Last year, in April, the Air Force management team came in and told our subcommittee that everything was fine; they were getting along just handsomely. It was about 2 or 3 months later—in July, I believe—when Secretary McLucas, who had just taken over the job as Secretary, admitted that they had many problems and slippages, that they were having trouble with the contractor, and so forth.

So it is a program that has had its problems, and I can sympathize with why the Senator from South Dakota takes the floor today to try to arrest the program—wrongly, I think, and I will say why.

The amendment contains two major provisions. One would reduce the B–1 program for fiscal year 1975 to $200 million, compared with $499 million requested and $455 million recommended by the committee. The other provision directs the Secretary of Defense to conduct an independent cost-effectiveness study to include consideration of all other alternatives, both aircraft and missiles.

I might say to the Senator from South Dakota that during the years we have had this program before us, we have suggested time and time again that they keep in mind the standoff missile, that they look at other types of programs. The Air Force has a great way of somehow keeping its baby going and keeping right on line. So I can understand why the Senator would like this study, and I will make reference to it at the conclusion of my remarks.

Taking each one of these provisions in turn, holding the fiscal year 1975 program to $200 million would effectively kill the B–1 development program. If that is the intent of the amendment, then it should have proposed denial of all the funds requested and made this the simple issue. A program of $200 million would have the following specific effect.

First. The present engineering development program would be terminated. The program now holds open the option, if the development and test programs are successful and keep within present cost estimates, to proceed into production.

Second. All work on the third prototype aircraft and the fatigue test article would be terminated. The program, in effect, would revert to a two aircraft prototype program which would preclude continuing as a fly-before-buy development program necessary for any orderly development program that could lead to a later production decision. Critically important weapon system test data could not be obtained to complete the development and test program and provide a meaningful basis for the Congress to consider approval of the next phase of the program.

Third. Work should be restricted to the first prototype aircraft and at a very low level, the second.

Fourth. Work on the engine program would be cut in half.

Fifth. Since all effort on the third aircraft would terminate, avionics development would be severely curtailed or terminated.

Sixth. If the program was later to be restored to full engineering development and subsequently production it would approach double the present cost.

Mr. President, that is something we want to avoid; because right now it looks as though the B–1 will probably cost, in production, in the range of $55 million to $60 million each.

Seventh. The initial operational date for the B–1 would be delayed indefinitely.

Let there be no mistake, Mr. President, these effects are of such magnitude that they would force complete termination of the present program. To continue this

program at the $200 million level would create serious questions as to any useful benefit that would be worth the cost.

My colleagues are well aware that the committee has devoted more time and energy in its appraisal and oversight of the B–1 development program during the past 4 years than on any other major development program. The committee has been hard-headed and realistic in its continuous monitorship of the Department of Defense management of this program.

Its action last year in cutting $100 million from the fiscal year 1974 request is clear evidence of this attitude, although $75 million was later restored.

Once again, in reviewing the fiscal year 1975 request, the Research and Development Subcommittee conducted an exhaustive review of the progress of the program. This included visits by three different staff members to the contractors' plants, numerous discussions with Air Force and contractor personnel and General Accounting Office specialists. In addition, the Research and Development Subcommittee held four separate hearing sessions, two with the Air Force B–1 program manager, one with the Secretary of the Air Force, the Commander of the Strategic Air Command, and the Deputy Chief of Staff for Research and Development, and the fourth with top level Rockwell program managers.

Now, to put the issue in perspective, Mr. President, the subcommittee initially was faced with two simple but unacceptable alternatives. On the one hand, if it acceded to the Defense Department proposal, it would have approved a fourth prototype aircraft and additional development work that would be tantamount to a commitment to production.

On the other hand, the subcommittee could have killed the B–1 program. Both extremes were thrown out. To have adopted the Defense proposal would have amounted to a complete circumvention of the Department of Defense's own fly-before-buy policy which the committee fully supports. To have canceled the B–1 would have been a prejudgment of the need and affordability to replace the B–52G and H fleet in future years.

Since the McGovern amendment would constitute killing the program, this is ruled out as an acceptable solution.

Mr. McGOVERN. Mr. President, will the Senator yield briefly?

Mr. McINTYRE. I am happy to yield to the Senator from South Dakota.

Mr. McGOVERN. The Senator made one statement that I find just impossible to accept, and that is that a reduction in the amount of money would kill the B–1. I really do not understand that kind of logic. Surely a $200 million authorization for this program would not kill it. That is a lot of money. It does mean they will delay somewhat possible production decisions. Obviously, we could not make this final judgment by November 1976, as the committee bill provides, if we accept the amendment. I admit it would delay the program for 1 year or probably more.

However, the $200 million could maintain continuing research and development and they could maintain at least a skeleton force on the project, and it would prevent a complete gearing back.

That is the reason I suggested that instead of knocking out the program entirely we continue but slow it down and use this next year to cause a more careful, independent quality effectiveness study.

The Senator very generously said he can understand the concern that some of us have and I know the Senator from New Hampshire feels some of that anxiety.

The committee report contains these words:

> In conclusion, the Secretary of Defense is encouraged to direct that a comprehensive cost effectiveness study be conducted with the option of including participation by the General Accounting Office and independent technical, financial, and management experts.

That is exactly what this amendment would make mandatory. It would go one step further and provide that the committee recommendation is correct and instead of making it a recommendation we should require it.

But I fail to understand the contention that a reduction in the authorization is the same as killing the program. If that were true there would be no point in debating any of these authorizations. We would have to automatically rubberstamp everything brought to the floor.

The PRESIDING OFFICER (Mr. BIDEN). The Senator's 10 minutes have expired.

Mr. STENNIS. Mr. President, I yield an additional 5 minutes to the Senator from New Hampshire.

Mr. McINTYRE. I thank the Senator.

Mr. McGOVERN. The Senator from Wisconsin published a report from the General Accounting Office showing $26 billion in cost overruns on the part of the military. So they are not always exactly correct. They do not know to the penny what they are going to need to conduct a program. I would like to urge the Senator to reconsider the statement that we would be killing the program if we reduced the amount by the provision in this amendment.

Mr. McINTYRE. In response to my good friend, the Senator from South Dakota, in my opening remarks I enumerated what would happen. For instance, the engine program would be cut in half; all effort on the third aircraft would terminate; avionics development would be curtailed or terminated. These things are staggered. I admit if we are here next year it will look as if we are asking for a plane costing $60 billion, and that staggers me. When they ask for $500 million and there is no way to cut it back to $200 million, we would be foolish to spend one nickel of the $200 million.

Mr. McGOVERN. The Senator may be correct about that; but an argument could be made for knocking out the aircraft.

It seems to me the more prudent course was to maintain this team that has been working on the plane for another year while we study the various options, one of which would be to proceed with developments not being made on the B–52.

We have a number of other strategic alternatives to the B–1 bomber. I urge the Senator to use the phrase "slow down" or "curtail" rather than the phrase "to kill the project" because I do not think this kills the project but rather slows it down. This is a very fast bomber and we should look at it as closely as we can and slow it down.

Mr. McINTYRE. We have looked long and hard at this program. I would like to address a question to the Senator from South Dakota. Can the Senator tell us how he came up with the figure of $200 million?

Mr. McGOVERN. Well, it seemed like——

Mr. McINTYRE. A nice round number.

Mr. McGOVERN. That is exactly right. I do not claim there is any scientific validity to the figure. The committee came out with $455 million. I am not challenging that figure as a desirable one, if we were going to stay with the present production schedule. All I am saying is that by reducing that figure roughly 60 percent, cutting it a little more than half, we have a better opportunity to evaluate this program.

I really believe a year from now, if we go ahead with this, the Senator is going to be standing here with me, saying that we ought to stop that program. I cannot prove that, of course. But we have an opportunity here to save a quarter of a billion dollars on a program of very dubious value but at the same time preserve the options of moving ahead with it, if over the next month or so investigation shows that is the wise thing to do.

I think the amendment is a prudent, middle-of-the-road solution to this problem.

Mr. McINTYRE. Mr. President, how many minutes do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. McINTYRE. Mr. President, will the chairman yield to me 5 additional minutes?

Mr. STENNIS. I yield 5 additional minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. McINTYRE. Let me say to my colleagues in the Senate and the Senator from South Dakota that the subcommittee has acted in the most prudent and responsible manner by creating a third alternative which gives full recognition to the fly-before-buy concept, which allows the time needed for an up-to-date cost effectiveness study of all viable alternatives, and which reserves to the Congress a year from now the judgment and decision as to the future of the B–1 program. At that time, the Congress also will have seen the results of SALT II and the President's forthcoming visit to the Soviet Union, and the B–1 will have had another year to prove or disprove its technical and cost performance, including some 5 or 6 months of flight testing.

Yes, Mr. President, the B–1 will fly this fall or early next spring, but, based upon this third alternative the subcommittee, with the unanimous support of its members, made the following recommendations to the full committee:

First. Deny the initiation of a fourth prototype aircraft.

Second. Deny new initiatives and program development tasks not essential to continuation of the approved three prototype aircraft program.

Third. Add $31 million to the amount requested to provide a total of $40 million as a realistic and conservative management reserve to meet anticipated technical problems and schedule delays normally encountered at this stage of a major aircraft development.

The Air Force had it at $10 million; we raised it to $40 million.

Fourth. Reduce the $499 million request by $44 million, to a total of $455 million recommended consistent with these various adjustments.

These recommendations were approved unanimously by the full committee despite pressures from the Pentagon to provide the full amount requested.

Mr. President, the committee recognizes the serious and sober responsibility it bears for the safety of our country. The concept of a Triad of strategic deterrence is well established and generally accepted. The argument that the B–1 is the only answer to the ultimate replacement of the B–52G and H fleet is not accepted by the committee. The possibility of additional major technical problems, significant cost increase and schedule delays is fully recognized and accounts for much of the logic underlying the committee recommendations.

The fly-before-buy philosophy will be strictly adhered to and proof of satisfactory performance at acceptable cost will have to be provided if the committee is to consider continued support of the B–1 program beyond fiscal year 1975.

As for this Senator, I mean that. We are going to see this plane fly. The Air Force is going to have to measure it up against the specifications and what they say it will do. We will be well informed on what the price is going to be before we decide to go on an all-out buy.

Mr. McGOVERN. Mr. President, will the Senator yield on that point?

Mr. McINTYRE. I yield.

Mr. McGOVERN. I would like to stress this particular point. Before the Senator came to the floor I said I was willing to concede that the aircraft will do everything the Air Force says it will do. I do not know that to be a fact, but I am willing to assume that all the specifications are going to be met.

The thrust of my argument here is that even if that is true, we do not need this aircraft. Even if this plane were able to stand on its tail at the Washington Monument and do all the things it is supposed to do, that does not prove anything. The question is, Will this aircraft do enough additional things to make it a justified expense in addition to the B–52 G's and H's and the FB–111's we already have? In other words, what does it add to our military posture that we do not already have?

To say it is going to meet its specifications, to me begs the question. Why do we need those specifications? Why do we need an airplane that will do what the Air Force claims it will do? What is the justification for it? Those are the questions—not to say that they will bring this out for a test and it will do all the things its designers will say it will do. I am willing to concede all that; I still do not think it is an argument that it will add enough to our defense posture that we do not already have.

Mr. McINTYRE. I appreciate very much what the Senator from South Dakota has said. I realize there are many people who say we do not need this third leg of the triad——

Mr. McGOVERN. No, I am not saying that. I think we need the triad. We need submarines, missiles, and bombers. I am saying this bomber does not add anything to the triad. We have a bomber fleet today that is efficient and operational and will be through the 1980's. Why are we rushing another bomber into the fleet to add to bombers we already have?

I believe in the bomber mission. I believe it has certain functions. But why this bomber? Why another $20 or $25 or $30 billion that this project is eventually going to cost—and I think considerably more than that—when we have a bomber fleet that the Senator knows is far and away beyond any capability the Soviets have?

I am not arguing against the concept of the triad. I am not saying the specifications of this plane cannot be met. I am saying, even if it works exactly the way its most optimistic designers believe it will work, it adds little or nothing to our military capability.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I am willing to yield to the Senator all the time he needs, but I will do it 5 minutes at a time, for obvious reasons.

Mr. McINTYRE. If the Senator will yield me another 5 minutes, when the distinguished Senator from South Dakota asks questions, I will ask him to use his own time.

Mr. President, in response to the Senator from South Dakota, the B–52G's and H's are 15 or 20 years old right now, and by the time that the B–1 comes into the fleet, if it ever does, we will be into the 1980's, and that adds 5 or 6 more years to the very tired airframes of the B–52G's and H's. That does not consider the fact that the B–1 will be a far superior aircraft to our present bomber.

The second point covered in the proposed amendment, requiring the Secretary of Defense to conduct a cost effectiveness study including other aircraft and missile alternatives, already is underway. In fact, the committee report encourages this study and suggests that independent technical, financial, and management experts participate. The proposed amendment makes this study mandatory, which is academic because it is ongoing, but also specifies that not more than half of the participants can have former Defense Department affiliation.

Mr. President, before I summarize, let me just say I would not be adverse, and I do not think the Senator from Arizona would be adverse, because I think we will have a big decision to make next year, to calling in the GAO and letting the GAO study and take a look at the results of the B–1 program; and I would be happy to say here on the floor to the Senator from South Dakota that I will take this up with the Senator from Arizona (Mr. GOLDWATER), and of course our chairman, and see if we can bring in the GAO, so we can have that added help in our program next year to assist us in what will be a very difficult decision for many of us.

To summarize, Mr. President, despite the history of technical problems, schedule delays, and cost increases, most of which are the result of inflation, this is not the time to foreclose on the B–1 option; and I strongly urge my colleagues to join with me and the Senator from Arizona (Mr. GOLDWATER) in voting against the amendment of my good friend from South Dakota.

I thank the chairman for yielding to me.

Mr. STENNIS. Mr. President, will the Senator yield back the time he did not use?

Mr. McINTYRE. I yield back that time.

Mr. McGOVERN. Mr. President, I yield 15 minutes to the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank the Senator from South Dakota and I commend him on his amendment. I commend him on it for a number of reasons. I want to say that if we do consider the fiscal and monetary considerations, it is an especially sound amendment.

In all of this debate we are likely to ignore the fact that we have an overwhelming problem today, and that problem is inflation. There are all kinds of theories on what we should do about inflation, but in all of this debate, the one clear, definite action that the Congress can take is to hold down spending.

I think most people will agree with that. But when we talk about spending, there are many different types, with different inflationary impact. One is in the area of manpower training and housing. When that is held down, it reduces demand and inflationary pressures, but it also reduces the skilled manpower and housing supply in the economy.

When we hold down military spending, it has an anti-inflationary impact on both sides, because millitary spending does not result in producing economic goods. One does not go into the supermarket and buy an aircraft carrier, or one does not buy a machinegun, unless he is a member of the SLA.

Obviously, holding down military spending is good economics at this time, but even if it were not good economics, I would not support this amendment if I were not convinced it was sound from the military standpoint, and it is.

Mr. President, we are in no hurry to produce the B–1. The record is clear that the B–52 will be sound and will operate well into the 1990's, well beyond the 1980's.

That record has been made clear repeatedly. I think it is especially important that we take advantage of the time we have to study very carefully—which

is what this amendment would do—whether or not the B–1 offers the best option to the B–52 and the other options that we have available.

Mr. President, since 1969, when estimates for the B–1 were announced by the Air Force, costs have nearly doubled; and, as a matter of fact, just in the 6-month period from June through December of 1973, a General Accounting Office study shows the B–1 bomber costs rose by $1,672,000,000, the largest single increase in any weapons system, so far as I know, that we have. That was in one 6-month period. Technical performances have been seriously degraded, and several schedule slippages have occurred.

Let me document that reference to the General Accounting Office report which was just made recently.

In terms of performance—and I am reading now from the GAO report—

Changes in the performance characteristics since the 1972 SAR included a slight reduction in supersonic penetration withdrawal speed because of an inlet design change: an increase in air vehicle gross takeoff weight of 21,172 pounds because of design changes in addition of fuel to retain the design mission range; an increase in takeoff distance of 3.1 percent because of the added weight."

A more recent change was the deletion by the engine contractor of the requirement for infra-red suppression of the engines. The GAO report states further:

The Air Force advised us that the SPO is currently working with the Air Force Avionics Laboratory to decide on some form of tail warning system for the B–1. Being considered are the Infra red Surveillance Subsystems currently in use on the F–111 and the Pulse Droppler Radar in use on the B–52. A decision will probably be made by mid-1974. Plans for an infra red Surveillance Subsystem for the B–1 had previously been dropped because it was felt insufficient technological progress had been made although exploration of Infra red Surveillance Subsystem technology was to continue.

The currently estimated B–1 gross takeoff weight of 389,772 pounds is close to the 390,000 pounds, the level at which structures and landing gear will be at maximum design load. At this point, additional fuel cannot be added to offset the range of degradation base on the design mission. The Ad Hoc Committee's report made the observation that the weight will be greater than anticipated and indicated that the most probable status would be a 10 percent increase over the development estimate which was 360,000 pounds. The B–1 avionics weight estimate is also over 4,000 pounds below the B–1 avionics weight capacity. The threat changes should require full use of the avionics weight capacity, this situation would add further to the B–1 weight to the point where mission trade-off will be required. No minimum performance threshold has been established.

So what this report by the GAO tells us is that the performance has been degraded for the B–1. We should be aware of that. It is not the aircraft that we thought it was originally.

Not only is it costing a great deal more than we thought initially, but it is not doing the job we thought it would do when the research began.

Furthermore, Mr. President, the milestones have been delayed because the plane has not developed according to the schedule. The first flight has been delayed by several months. The production decision has been delayed about a year. Initial operational capability has been delayed almost a year already. I do not think those delays are of the greatest significance because I think, frankly, we should delay and we can delay the plane more while we make the fundamental decisions.

The great advantage of the McGovern amendment is that it gives us an opportunity to study the options, to consider what we should do. I might say that the GAO report itself recommends precisely this procedure to Congress.

Let me read from the GAO report. It says:

This program is about four years into Full-scale Development and is being funded on a fiscal year basis. Various options are available prior to a production decision. The Congress may wish to consider them.

They go into a whole series of options that we should consider, including the extent of testing that will be performed on the SRAM, offensive avionics, and the automatic terrain following radar; the impact that will result on the B–1's cost, schedule, and technical performance as a result of the current intensive review the Air Force is giving the program in consideration to the recommendations made by the independent management review committee. The GAO report states:

The potential cost in weight increase of the B–1 avionics would result should changes dictate additional avionics.

In the impact of the deletion of the requirement of the infrared suppression that the engines will have.

The development status of the crew escape capsule.

The performance of its system should its weight continue to increase.

The status of other weapons systems which may play an important part in the B–1's mission, such as the SRAM.

The alternatives available to carry out the mission, considering the increased costs of the B–1 weapon system.

Suggested improvements to selected acquisition reporting on the B–1.

The impact of program costs that would result if the higher inflation factors for production currently under consideration is approved."

All of these matters should be considered carefully and thoughtfully, and the amendment offered by the distinguished Senator from South Dakota gives us an option to do that.

It does not kill the program. It provides $200 million in the coming year for the program to continue. It simply deletes $255 million and, from an economic standpoint, that is prudent. And from the standpoint of developing the strongest long-range force, that is important.

Before I yield to the distinguished Senator from South Dakota (Mr. McGOVERN)—and I have more to say—I would like to point out also that we fail to appreciate the fact that we are far ahead of the Soviet Union in this respect. It is not as if the Soviet Union was ahead of us, competing with us in long-range bombers.

Let me ask the Senator from South Dakota if it is not true that we have approximately four times as many long-range bombers as the Soviet Union, and that there is no prospect that the Soviet Union is about to overtake us with a bomber which is superior to ours or that would have greater capability.

Mr. McGOVERN. The Senator is entirely correct. There is no real comparison at all in the bomber capability of the United States and that of the Soviet Union. We have got better bombers and we have more of them.

It needs to be stressed, in response to the argument that the Senator from New Hampshire made a while ago, that these late model B–52's are not antiques that are ready to fall apart. They are planes which the Air Force has testified to repeatedly which are serviceable through the 1980's. That is for 15 years.

These are planes that have great capability and are steadily being improved. New equipment with greater capability is added all the time.

The Senator from Arizona (Mr. GOLDWATER) who is on the floor spoke about the capability that we can use for jamming the defense systems of other countries. All of those devices he mentioned are available to the B–52's. As a matter of fact, they are installed on the B–52's, and being installed on those that do not have them. That is not secret information.

So I think the Senator's point is well taken. We are not talking about denying the United States a bomber. We are saying that we need to add on an enormously expensive multi-billion-dollar new bomber capability on top of the one we already have.

Mr. PROXMIRE. I appreciate that, and I want to compare the costs in a minute. Incidentally, there are two fundamental issues. First, is there a strategic requirement for a follow-on bomber? That is not clear in my mind; I think it is something we ought to consider, study, and debate. If a new bomber is necessary——

Mr. GOLDWATER. Mr. President, will the Senator yield for an observation?

Mr. PROXMIRE. Just 1 minute. Secondly, if a new bomber is necessary, is the B–1 the right one?

The strategic requirement can be argued several ways. But the program can be questioned without regard to the strategic issue. There is overwhelming evidence that the B–1 is the wrong plane at the wrong time, even assuming the need for a follow-on bomber.

I would like to continue with this, but if the Senator from Arizona wants me to yield on that point, I am happy to yield.

Mr. GOLDWATER. I just wanted to make one comment. Many people believe that the Soviet is inferior in the area of bombers. Actually, the Soviet has more bombers than the Strategic Air Command of the United States. I admit a great many of them are medium-range bombers, but they can all reach the United States, and there is no evidence that they have any desire to get back. They have a good long-range bomber, but not in numbers.

Mr. PROXMIRE. Let me just respond to what the Senator has said. When the Senator says they have more bombers, he is correct, of course, if he does not

refer to the long-range bombers. I said long-range bombers, of which we have many more than the U.S.S.R. It is true the Russian planes can reach the United States on a suicide mission with medium bombers, or they can refuel, but they do not have the capacity of reaching the United States and returning to the Soviet Union.

Mr. GOLDWATER. If the Senator will allow me one more comment, the Soviets are building a Mach-2-plus bomber called the Backfire, which is similar to our B–1 in configuration. Moreover, I am told Communist China has such an airplane, although, I do not believe it has flown yet.

Mr. PROXMIRE. If I may respond, as I understand this new Mach-2 bomber is designed for use against China and Europe. Furthermore, it is not in serial production yet. So it is not the kind of a threat to this country we should be concerned about in considering whether to go ahead with the B–1.

Mr. GOLDWATER. For the Senator's information, I do not know the source of it, but we do know it is being produced, and while it may be for use against Red China, it will have the capability of being used against any target that can be reached. If we have the range of our B–1, which cannot be published, because it is classified information, they likewise will have a similar range, and can reach any point in the United States.

This is not anything they do not have. They have it, and we are not even flying ours yet. I do not go along with the idea that they have no bomber force. They have a bomber force, and it is greater than ours.

Mr. PROXMIRE. The Secretary of Defense says, in his posture statement, which is my authority, that these bombers would be used for fighting against China or in Europe, but not against this country.

Mr. GOLDWATER. But the Commander of the Strategic Air Command thinks differently, and he is the one that will have to call the shots.

Mr. McGOVERN. Mr. President, if the Senator will yield briefly, I think the confusion here on this matter is that the Senator from Arizona is talking about short-range bombers, which is really not the issue. In terms of the kind of intercontinental bombers we are debating here, we now have 496 such bombers, B–52's and FB–111's.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. McGOVERN. I yield 10 additional minutes to the Senator from Wisconsin, and ask that he yield to me.

Mr. PROXMIRE. I yield.

Mr. McGOVERN. By contrast with these 496 intercontinental bombers which we now have, operational bombers, the Soviet Union has 140. The new bomber which the Senator from Arizona was talking about is not a bomber that is capable of reaching the United States without being refueled, and there is no evidence that has come to my attention that they have any refueling capability or are building any.

So I think the Senator from Wisconsin is quite correct in quoting the Secretary of Defense when he says that this is a bomber which, if indeed it is produced, is designed not to hit targets in the United States, but in Europe or in China. It is clear from these figures that we have got about a 3½- to 4-to-1 advantage in existing bomber fleet.

Moreover, I do not think we can refer to this B–1 as a follow-on bomber. It is an add-on bomber. It is not something to follow a bomber which is going to become obsolete, but it is going to be added to an existing bomber force that is perfectly capable of meeting our defense needs for the next 15 years.

Mr. PROXMIRE. Mr. President, I would like to point out that a GAO report on this matter of April 17, 1974 compares the costs and performance characteristics of the B–1 with a stretched version of the F–111 bomber, and an improved version of the B–52.

I think it is very important, Mr. President, that we recognize what the cost comparisons are. They are just overwhelming. There may be marginal differences in performance, but in terms of cost, current estimates place B–1 costs at about $16 billion. Think of the enormous responsibility we have in the Senate, if we make this decision to move ahead. We are putting ourselves in a position where it will be almost impossible to go back, and committing ourselves to a $16 billion program. The same number of stretched FB–111's would cost about $3.5 billion—less than one-fourth as much—and the same number of improved B–52's would cost about $3.3 billion—again less than one-quarter as much. The B–1 performance characteristics are somewhat better than the other two planes, but it has been getting heavier and slower in the development phase. The FB–111 would reach 60 to 75 percent of all Soviet targets, compared with 100 percent for the B–1 and the improved B–52.

Costs of the B–1 have been skyrocketing: The original estimate was $8.8 billion, or about $36 million per plane. Think of that. Official estimates now range from $15 billion to $16 billion, or from $61.5 million to $65.6 million each.

Rough calculations by the Joint Economic Committee staff show that real costs are probably considerably higher than the present estimates. The Air Force is using inflation rates of 5 percent for development and 3.3 percent for production. Using a more realistic rate of 4.6 percent for production, approximately $1.5 billion is added bringing the total to $17.5 billion or $71.2 million each.

Mr. President, the GAO makes a strong recommendation that the Air Force do a cost-effectiveness study of the B–1, comparing it to other options such as the FB–111 and B–52. The Air Force has admitted that the B–52 fleet will last until at least the early to mid-1990's. There is no need to rush into the B–1.

The only need at the present time seems to be to bail out Rockwell International, the prime contractor. The Bisplinghoff report concerned itself with the financial needs of Rockwell and said:

> The Air Force should do everything possible to assist the company with its management problems, including the severe morale problems mentioned earlier.

The argument, implicit in the Bisplinghoff report, that B–1 funds cannot be reduced because to do so would impair the contractor's finances should be rejected.

There is another option in addition to the ones considered by the GAO. That is, a standoff, subsonic bomber armed with cruise missiles. The Air Force has been dragging its feet for years on the cruise missile because its success would seriously undermine their case for a supersonic B–1 type bomber.

The most rational approach is to slow down the development of the B–1, speed up the development of the cruise missile and before making a decision on any bomber hold a competition between the B–1 and a cruise missile standoff type bomber. This is what I recommend. We have the time to make such decisions.

Mr. President, during his remarks, the distinguished Senator from Arizona referred to the Federation of American Scientists. He did not put their letter in the RECORD. I would like to do that. Before I do so, I would like to point out that this organization includes 30 Nobel laureates. It includes some of the most competent military experts in the country, including Herbert Scoville, a former CIA Deputy Director; Hans Bethe, Adrian Fisher, Richard Garwin, George Kistiakowky, Jerome Wiesner, Herbert York, and a number of other extremely experienced men who have studied the matter, and their letter is persuasive.

They point out in part as follows:

> The possibility also has to be considered that the B–1 will not be built satisfactorily and will turn out to be inferior to the B–52 in various ways. Why run these risks and certainties of so much waste for so little purpose?
>
> In sum, we consider the notion of spending tens of billions for this new strategic bomber, in this strategic era, to be nothing short of preposterous; it represents the gold-plating of an obsolete weapon.
>
> We are writing to you with special urgency this year because we fear that the expenditures for the B–1 Bomber have reached the size where, in effect, a production decision is being made tacitly. As you know from experience in the Congress, approval may come in fact a year or two before the literal production date.

Mr. President, I ask unanimous consent to have the entire letter printed in the RECORD.

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

FEDERATION OF AMERICAN SCIENTISTS,
*Washington, D.C., June 3, 1974.*

DEAR SENATOR: This year you are being asked to vote increasingly large sums for a new B–1 Bomber. Indeed, the total fleet of bombers, without the tankers and the maintenance costs, are expected to be about $15 billion. Of all the multi-billion expenditures of the quarter-century-old arms race, we consider this expenditure to be the least cost-effective. Why?

In the first place, long-range bombers are obsolete as reliable first-line strategic weapons. If the United States had only strategic bombers as a deterrent, our Nation would not be secure against attack. More vulnerable on their bases than missiles, and less certain to arrive at their targets, their main disadvantage compared to ICBMs is their very long time to target. They will arrive, if at all, after the missile war is over. (More than ten distinct and non-overlapping mis-

sile salvos could take place before the bombers could reach their destination.)

Should a strategic bomber force be maintained for backup? The fact is that land-based missiles—the backbone of our strategic force in the early sixties—have become the backup to our sea-based missile force of Polaris and Poseidon. Strategic bombers are the backup to a backup—the prolongation into the seventies and eighties of a method of deterrence that was suited only for the fifties. Many experienced analysts would consider strategic bombers wholly unnecessary. In particular, the ABM agreement, and the impracticability of building a truly effective ABM, make missiles quite adequate as a deterrent.

But if bombers should be maintained, how much should be spent on them? If one wants to maintain strategic bombers, the B–52 G's and H's can be maintained indefinitely at much lower cost. Already built, they also have some real advantages over the B–1, especially in the time at which they can stay on air alert and on a lessened need for tankers. The advantages of the B–1 are marginal indeed and paid for at enormous cost.

The B–1, if built to current specifications, will get off the airfield marginally faster but will not change the basic fact of aircraft vulnerability on the ground.

The B–1, while it does not fly to the Soviet Union any faster, will penetrate faster. However, by the time either plane arrives the missiles will have destroyed the air defense anyway—this is ever increasingly true with the current surplus of MIRV warheads available for targeting against air defenses. And it is obvious that air defenses are not going to be functioning effectively after several missile salvos.

The possibility also has to be considered that the B–1 will not be built satisfactorily and will turn out to be inferior to the B–52 in various ways. Why run these risks and certainties of so much waste for so little purpose?

In sum, we consider the notion of spending tens of billions for this new strategic bomber, in this strategic era, to be nothing short of preposterous; it represents the gold-plating of an obsolete system.

We are writing to you with special urgency this year because we fear that the expenditures for the B–1 Bomber have reached the size where, in effect, a production decision is being made tacitly. As you know from experience in the Congress, approval may come in fact a year or two before the literal production date.

Whatever your position, we wonder if you could not support slowing the project down with a view to permitting an independent analysis. Senator McGovern has proposed a modest amendment, number 1346, which would scale down the B–1 program and require a truly independent (cost-effectiveness) of strategic bomber options, including not only the B–1 but the later model B–52's, the FB–111, a redesigned B–1, a stand-off missile launching platform, and reliance on SLBM's and ICBM's for deterrence.

We hope you will support this eminently reasonable proposal.

Respectfully,

PHILIP MORRISON.

Mr. PROXMIRE. Mr. President, once we go with the kind of enormous authorization we are being asked to make today, it will be very hard to turn back. The great value of the McGovern amendment is that it would preserve our options and we could make a decision effectively and carefully without feeling that we have to put so much in the "pot" that we have no choice but to stay in the game.

Mr. McGOVERN. Mr. President, I am glad the Senator made the points he did. He has reminded us that we are making a choice not only about bombers but also about the urgent needs of the country for other things. The costs of weapons systems are escalating already to the point where it is almost beyond comprehension. When the Senator first heard of the B–1 bomber, it was projected at $61 million for each plane. I wonder whether he remembers that the cost of the first nuclear carrying bomber, the B–29, cost $700,000. That was almost 30 years ago and here we have had an increase of roughly 100 times in the cost of the bomber. The effect, as the Senator has said, of utilizing scarce materials of the kind that go into the bomber, has been upping the price of everything we buy.

When I was home in my State a week ago, a young farmer drew my attention to the increases in the cost of the kind of things he buys. A roll of barbed wire that cost $9 a roll a year ago is now $36. It has increased 400 percent.

A steel post of the kind used to fence in farms which cost 90 cents apiece a year ago, now costs $2.60 apiece. Diesel fuel, which every farmer and trucker uses, which was 17 cents a gallon a year ago, now costs 45 cents a gallon.

So many of these things we take for granted are now in short supply. A common item like nails is difficult to obtain. One hardware dealer told me that he had a supply of nails on order since last January and he cannot get them as they are in short supply. A farm machinery dealer told me about ordering parts 6 to 10 months ago that he cannot get. As we are running out of many scarce materials, it drives up prices—not only the matter of inflation but the matter of scarcity.

One of the things the Senator knows has contributed to inflation is the enormous increase in energy prices. The B–1 bombers consume vast quantities of highly specialized materials which use large amounts of energy to produce, like titanium, magnesium, and aluminum. There are other materials that consume vast quantities of fuel which are going to be required in the production of this airplane.

We have to consider what the alternatives are. When we make a decision to build, and the estimates are that it will be a $16 billion project—and I think that is very much on the conservative side—we need to put against that the suggestion by the administration of a $10 billion program over the next 5 years to develop alternative sources of energy. I happen to think that we need that kind of program, but just half of the cost of the B–1 bomber——

Mr. PROXMIRE. If the Senator will yield at that point, that is very helpful to put this in its proper perspective. We talk of "sixteen billion dollars." But we say that so fast, and we wonder if it is more than $16 million. This is "sixteen thousand million dollars—sixteen billion dollars." That is a figure five times as much as the Federal Government provided for all of the elementary and secondary education in the entire country last year—five times as much. For what? For a gold-plated bomber system which has very marginal use, if any—it may be actually inferior to what we already have and represents no advance in our competitive position with the Soviet Union.

Furthermore, if we are able to take that money and rebuild our cities, we could go a long, long way toward eliminating one of the most serious social problems we have, the tragic conditions to be found in our great cities. There are any number of constructive uses to which we could put that $16 billion. I would agree wholeheartedly with anyone in this Chamber, or in the Pentagon, who would say that if we can spend $16 billion to strengthen our defenses in a way that would enable us to deal from a position of strength with the Soviet Union then, indeed, I would most certainly vote for it and I know that the Senator from South Dakota would too.

Mr. McGOVERN. Yes.

Mr. PROXMIRE. But in this case, where the advantage is so questionable, where what the Senator from South Dakota is asking for is time to consider the options carefully, it seems to me his position is very powerful indeed, and I am delighted to support it.

The PRESIDING OFFICER (Mr. HATHAWAY). The time of the Senator from South Dakota has expired.

Mr. McGOVERN. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. McGOVERN. Mr. President, let me say, while the Senator from Wisconsin is still in the Chamber, that so many times we define national defense too narrowly. We define it in terms of how many missiles we have, or how many bombers we have, but it also includes things like the stability of the economy, the value of the dollar, and the strength of our transportation systems.

I saw a statement here the other day by a knowledgeable person that we need to put at least $2 billion more per year into our rail system than we are now investing in order to bring it up to acceptable levels. Two billion dollars a year is about the annual cost of the B–1 program—that is about what it would cost us year by year over the next——

Mr. PROXMIRE. If the Senator will pardon me for interjecting there, I cannot resist saying that the most important element we have in terms not only of a satisfactory life but also in terms of our military strength, is the skill, the training, the education, and the character of our people.

Admiral Rickover has said over and over again that the main problem he has in operating an effective fleet does not rest on getting the submarines, and so forth he wants, but in getting the people with the necessary training and the basic education to operate the equipment.

By shifting so much of the funds to very questionable military areas, we may be weakening ourselves militarily because we are neglecting the education, the training, and developing the ability of our people that we have to have in order to back up the economy, and to provide the human intelligence necessary to operate a modern military force.

Mr. McGOVERN. I could not agree

more strongly with the Senator from Wisconsin.

For instance, does he have a problem with the boxcar shortage in his State? That is of concern in Wisconsin, is it? It is a serious problem in my State.

I think it will be interesting to make the point here for the RECORD that just one B–1 bomber, if it turns out to cost $61.5 million, would be the equivalent of 2,500 boxcars or 1,600 modern air-conditioned buses of the kind that might be needed to provide public transit facilities in a modest-sized city.

There are so many other things that we urgently need that I think at a time when we have a clear superiority in bomber capability and when we have more nuclear warheads of all kinds than the rest of the world put together by several times over, it surely is in the interest of national defense and the well-being of our people to take another look at this project.

That is all we are asking.

Let us explore the facts long enough to study some of the alternatives, before we start down the road toward a $16 billion, $18 billion, or a $20 billion project.

I thank the Senator from Wisconsin very much for his comments and I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment as it would seriously disrupt this important strategic program. The structure of the B–1 research effort is both sound and practical. There is no production option in the current B–1 development contract. Instead, about 2 years of flight testing has been planned to assure airworthiness and demonstrate offensive avionics. The results of this testing will be available before a production decision is requested.

All aspects of the B–1 program were reviewed in detail during the summer and fall of 1973 by the Air Force and, at the request of the Secretary of the Air Force, by the ad hoc management Review Committee on the B–1, chaired by Dr. Raymond L. Bisplinghoff, Deputy Director of the National Science Foundation.

These reviews showed that, although some adjustments were necessary, the B–1 program is proceeding in an orderly fashion.

As a result of these reviews, the Air Force has rephased the program in a manner which will advance the work on a small number of aircraft and thereby provides an orderly transition to production.

The committee also has worked its will on this program by reducing the number of prototypes from four to three, a savings of $39 million in this bill alone. These three planes will be preproduction aircraft built with development tooling and with R.D.T. & E. money. They will be assigned eventually to the SAC inventory, if a production decision is made. First flight of aircraft No. 1 is now scheduled for the fall of 1974 and the production decision date has been moved to November 1976.

During the 2 years of combined development and operational flight testing, extensive data will be obtained on the B–1's performance and its ability to meet all of the criteria specified under the full range of operating conditions. Further, the initial offensive avionics system will be flight tested extensively prior to a production decision. This avionics test program will include about 19 flights for a total of about 75 flight test hours.

The B–1 aircraft design configuration, moreover, is being subjected to very extensive wind tunnel testing prior to first flight. This is substantially more than any other aircraft has ever received prior to first flight.

As a member of the Senate Armed Services Committee, I asknowledge that the B–1 will be a costly aircraft. However, the American people expect this Nation to have the best Air Force in the world, and a long-range bomber is absolutely necessary.

The requirement for the B–1 was well expressed recently in testimony before Congress by Gen. George S. Brown, then Chief of Staff for the Air Force and now Chairman of the Joint Chiefs. He stated:

> The strategic bomber is by far the most flexible and versatile element of the Triad, and is the weapon system most capable of supporting a flexible targeting doctrine. Manned strategic bombers are the only element that can be launched on warning, under positive control, without an irrevocable decision to go to war. They can be recalled after a launch under positive control, retargeted after launch, assess target damage, and be recycled for follow-on missions. . . . Of the strategic nuclear force, bombers alone have demonstrated capabilities for a variety of tasks below the level of nuclear war. Bomber employment options range from a responsive show of force—through delivery of conventional weapons against surface targets on land and sea—to all-out nuclear retaliation.
>
> While the B–52 force is programed to continue in the active inventory, a portion of it is showing its age. To replace the older B–52s and provide an effective strategic bomber force throughout the 1980's and beyond, I believe the development of the B–1 is more important to our national security than any other strategic development program. The B–1 represents a dramatic improvement over the B–52 in every significant parameter.
>
> It will fly at higher speeds and lower altitudes—present a smaller radar cross-section—resist greater overpressures, thermal effects, and electro-magnetic pulses from nuclear detonations—have a greater capability to evade enemy defenses (in other words, it will be able to launch and to penetrate)—and if required will deliver a larger payload more accurately over a greater range than the B–52.

Those are the words, as I stated, of the former Chief of Staff of the Air Force, who is now Chairman of the Joint Chiefs, Gen. George S. Brown.

Mr. President, the presently planned engineering development program will keep open, at a relatively reasonable cost, the option to begin replacing the aging B–52s in a timely manner. It will, therefore, serve as a hedge against further unfavorable developments in the Soviet and Chinese threats which might require a major upgrading of our manned bomber capabilities.

Mr. President, I want to say again that I hope the Senate will defeat this amendment.

Mr. STENNIS. Mr. President, I am glad to yield 5 minutes to the Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I ask unanimous consent that Harold Scoggins and Leroy Rooker, of my staff, be granted the privilege of the floor during the debate on this matter.

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

Mr. BARTLETT. Mr. President, as is clearly spelled out in the committee report, the B–1 program has been one of the most carefully watched and studied development programs included in the Defense authorization bill. Both the DOD and the Armed Services Committee have recognized the early problems encountered, and much effort has been devoted to a reevaluation of the entire project.

The B–1 bomber makes a unique and irreplaceable contribution to our deterrent; therefore, the timing of the development of a new bomber to achieve modernization of our heavy bomber force is critical. We must recognize several important factors pertaining to the timing of this development, including the age of the B–52, current and potential threats to our security, and related future uncertainties, and the long lead time required for a new bomber.

It is obvious that the B–52's cannot last forever. Most of the early models have already been phased out of the force. The latest models, B–52 G's and H's, were delivered to the Strategic Air Command between December 1958 and October 1962. Thus, in 1980, the oldest B–52G would be about 22 years old, and the youngest B–52H about 18 years old. The ability to maintain the B–52's beyond the 1980's in a safe and serviceable condition is a matter of reasonable doubt. The age of the B–52's makes the B–1 development essential.

Although it has been modified to attempt to accomplish a low level mission, the B–52 was originally designed as a high altitude bomber. Its large radar cross section, its relatively slow speed at low altitude, and its minimum safe terrain clearance altitude could pose difficulties in penetrating high density, sophisticated defenses.

There is a long lead time—approximately a decade—involved in the development, production, and deployment of a new intercontinental bomber. Given this long lead time—and given the importance of the bomber to our deterrent, the age of the B–52, the potential threat and uncertainties of the future—only continued B–1 development will preserve the critical option to deploy a new bomber in a timely manner.

The amendment proposed by the Senator from South Dakota would, in effect, throw the entire B–1 development program into a state of limbo. The resulting delays and lack of direction in development of our deterrent capabilities would

create doubts about the resolve of this Nation to maintain an adequate deterrent force.

It is obvious that other world powers have been moving steadily ahead in development of new aircraft and defense systems. It is also obvious from our experience in Vietnam and from developments in the most recent Mideast conflict that the deployment of a highly sophisticated bomber with a capability for avoiding and penetrating sophisticated defense systems is essential. Ultimately we must have the B–1 bomber or a suitable alternative.

While the proposed amendment would effect an immediate short-term saving of funds, it would eventually lead to this Nation being forced into a crash development program for a suitable strategic bomber with the much higher ultimate cost inherent in such crash development programs.

Under the program which the Senate has supported for the past 4 years, development will move forward in an orderly fashion without the necessity for making the ultimate decision on production of the bomber until after flight test and extensive evaluation has been completed. The committee has directed that, while development of the B–1 is progressing, the Department of Defense should consider all other alternatives to the B–1. As a result, we will then have the option of either proceeding with production of a fully tested and evaluated aircraft or developing an alternative solution which has been determined to be superior. If this amendment is adopted, we will have no such option.

There are other factors which must be considered. The drastic reduction in funds which is proposed would bring about widespread layoffs of hundreds or thousands of skilled workers in California, Ohio, Oklahoma, and many other States which are sharing in the B–1 development program. As we have learned from past experience, once a skilled development team is dismantled or drastically reduced, it cannot be regrouped without incurring substantial additional cost and further delays. Much of the short-term saving in funds proposed by this amendment would be offset by the funds directed toward alleviating the unemployment and other human problems which would result.

This Nation must maintain an adequate and strong defense, whatever the cost. I therefore urge my colleagues to defeat this amendment.

Mr. President, the distinguished Senator from Wisconsin mentioned a little earlier that we should go slowly. I should like to ask, when has developing strength for this Nation's military forces been accomplished by going slowly?

I think that going slow could result in our not having any alternative to developing a replacement for the B–1, if the B–1 did not develop properly. I certainly think it could have that result, and if there are delays on the decision being reached it could delay the decision that an alternative should be developed. So delays today have some real meaning about the future.

The distinguished Senator from Wisconsin mentioned that the amendment does give us the opportunity of studying options. I think it delays the studying of options because the present B–1 bomber program is a study of options, the development of the B–1 or other development alternatives.

The distinguished Senator from Wisconsin mentioned that the mach 2 bomber now developed by the Soviet Union is not in production. The distinguished Senator from Arizona said that it is. But if it is not in production it is obvious that the Soviet Union is far ahead of this country and I think it is most vital to the future of this Nation and the future of our young citizens that we develop a bomber that is effective and that will do the job.

I know that costs skyrocket, but will they not skyrocket as much in the future as today?

Mr. President, I ask Senators to defeat the amendment.

I yield the floor.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HRUSKA. Mr. President, I thank the Senator for yielding.

Mr. President, I rise in opposition to the pending amendment offered by the Senator from South Dakota to establish a ceiling of $200 million for the B–1 bomber program. The Department of Defense has requested $499 million in the fiscal year 1975 budget and the Armed Services Committee has recommended a figure of $455 million. The pending amendment, however, would place restrictions on the B–1 program which, in my judgment, would be extremely grievous to this vital program.

A funding cut of the magnitude proposed by the Senator from South Dakota at this crucial time—virtually on the eve of the first flight—would cause chaotic disruption and waste due to abrupt employee layoffs, which would exceed 70,000 of our citizens.

Reliable Defense sources indicate the following effects would result from approval of the amendment offered by the Senator from South Dakota: It would terminate full-scale engineering development, avionics development, structural tests, and suitability tests.

In addition, the existing number of four prototypes as requested by the Defense Department would be reduced to only two with this drastic fund reduction. Flight tests on these aircraft would be reduced to a minimum. A setback of this magnitude in the current program would preclude a logical production decision and would most assuredly increase costs for future years if the program continues.

Continuation of an orderly B–1 R. & D. program at minimum cost is totally dependent upon the $499 million requested for fiscal year 1975 by our most knowledgeable experts. The Air Force advises that, due to the combined effects of disruption and inflation, completion of the R. & D. program as proposed in the amendment would require that we spend between $4 to $10 tomorrow for every dollar we delete from fiscal year 1975.

Mr. President, in the debate on this point in the other body, the gentleman from Texas' 13th Congressional District (Mr. PRICE) brought out in unique but clear fashion the heavy cost increases inflicted by postponement disruption, and inflation. At page 4261 of the CONGRESSIONAL RECORD he stated:

> The B–1 1970 procurement unit cost estimate, including inflation as estimated in 1970 dollars—$35.4 million is 3.6/1000th percent of 1970 gross national product. The current USAF procurement unit cost estimate expressed in 1975 dollars—$40.1 million— is 2.6/1000th percent of estimated 1975 gross national product. This is a 27.8 percent reduction in B–1 procurement unit cost, including inflation and program growth relative to gross national product.
>
> When we compare total program unit cost which include research, development, test, and evaluation plus procurement, including inflation and program growth on the same basis, the B–1 total program unit cost is 25.5 percent less relative to gross national product. In other words, the current B–1 cost is a smaller share of our economy than it was when the B–1 program started in 1970.
>
> This is also a vivid example of how inflation has increased B–1 cost.
>
> It should be no surprise to anyone who has purchased goods in a grocery store, or a tank of gasoline in today's economy, and compared these prices with 1970 prices for the same items.

Mr. President, the fund cutback and program disruption for the B–1 resulting from the McGovern amendment would aggravate the already increased costs of this program.

This is, of course, aside from the primary purpose of the B–1 in updating our Nation's strategic deterrent posture—a price tag cannot be placed on peace.

The reason why the requested $499 million is vital to the B–1 program has been obscured by a series of rephasing events over the past 4 years that is easily overlooked. At the time of go-ahead in 1970 we had a five-aircraft program with production decision concurrent with first flight. Within months after go-ahead the program was restructured to three aircraft with production decision 12 months after first flight. Later the gap was increased to 15 months. As a result of recent rephasing of the fiscal year 1974 funding reduction by the Congress, the gap between first flight and production decision has been widened to 26 months.

One of the key problems before us today is that of maintaining continuity in the program. The manpower slope for a three-aircraft program and a 26-month gap between first flight and production decision is sharply down—like the slope of the Matterhorn. To rebuild this team later is a costly and wasteful process. Full funding of $499 million will not only preserve the "fly before buy" phasing but will maintain continuity without prejudging the production decision. A fourth aircraft, funded with R. & D. funds, would be used initially for flight testing and later would be converted as part of the SAC operational inventory. This would not be an additional airplane—it is a rephasing of one airplane to provide better balance to the development pro-

gram. This would not only serve to keep the experienced prime and subcontractor and supplier teams together, but will provide a much more comprehensive data base for judging the production decision when that time comes in November 1976.

The B–1 is an outstanding weapon system. It was preceded by exhaustive analyses of alternative candidates, and it is backed by the most extensive test program ever undertaken prior to first flight of a new airplane and the concept behind it is sound. The multitude of engineering, manufacturing, quality assurance and test activities over the past 4 years, since contract go-ahead, have been integrated and conducted in an optimum fashion to insure a successful program and first flight later this calendar year. My colleague's amendment would seriously impair this progress.

Mr. President, the B–1 will have many advantages and vast improvements over the existing strategic bombers, which are aging and must be replaced at a relatively early date. Time is of the essence.

We will have with the B–1 much faster reaction. Second, we will have an increased resistance to nuclear effects. Third, we will have quicker takeoff and shorter escape times by about 50 percent. We will have much longer range. We will have the ability to penetrate portions of the Soviet Union which the F–111 and the B–52 cannot penetrate. If we were to rely only on the F–111, all the Soviet Union would have to do is just move back its silos containing its ICBM's and they would be immune from attack by manned bombers. The B–1 will have a greater payload. It will have higher speeds at both high and low altitudes. It will have a reduced infrared signature. It will have a decreased radar crosssection. It will have a vastly increased electronic countermeasure capability.

These are all modern developments which are essential to a good aircraft in this modern technological age.

The Department of Defense funding requirement of $499 million is structured to ensure continuity of this vital program at the lowest cost to the taxpayers. This plan makes sense, and I support it. As you know, by 309 for and 94 against the House voted for approval of this plan and the $499 million required to implement it. I urge my colleagues to do likewise.

Mr. President, this plane makes sense and I support it. I hope my colleagues will do likewise

I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. McINTYRE. Mr. President, I thank the distinguished chairman.

Mr. President, the senior Senator from Wisconsin referred to the performance characteristics of the B–1 and more or less asserted that it is doubtful if these characteristics could be met by this aircraft.

The committee has not prejudged the results of the cost-effectiveness study nor accepted the B–1 as the only answer. The B–52G and H will reach a point by the mid-1980's where it just makes no sense to continue to patch and fit just so they can keep flying. And this will cost hundreds of millions of dollars to do.

They could be sitting ducks for the Soviet air defenses in the 1980's and beyond, particularly because they stick out like sore thumbs on a radar screen and are an easy target.

I urge my colleagues to wait until they see the results of the study and further development and flight tests before we abandon the B–1. The $455 million will permit the program to continue at a minimum austere level during the fiscal year 1975 so that Congress will be able to make the right decision next year.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement on the B–1 performance requirements.

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

B–1 PERFORMANCE REQUIREMENTS

The contractor and the Air Force must demonstrate by flight test starting late this year that the B–1 will meet those performance requirements that are critical to its capability to satisfactorily accomplish its primary strategic mission.

The Ad Hoc Management Review Committee called the Bisplinghoff Committee, which was constituted by the Secretary of the Air Force to review the B–1 program, addressed the probability of meeting the Air Force performance estimates in their report dated November 1973. They expressed their range of uncertainty in terms of three variations from Air Force estimates. These are Possible Status, Most Probable Status, and Reasonably Adverse. I request unanimous consent to have inserted in the record at the conclusion of my remarks, the Bisplinghoff Committee assessment of the various performance characteristics under each of these three variations.

The Bisplinghoff Committee did not attempt to comment on the acceptability of the reduced performance values because this was considered to be a judgment to be made by the Air Force. However, they apparently concluded that any deficiencies at this stage of development were not of such significance that they could not be rectified. To quote from their report:

"There is agreement in the committee that there are no major technical problems which preclude the successful development and production of the B–1."

Of course the report does not face up to the hard question about whether it would be worth the ultimate cost to overcome the technical problems, either major or minor.

The simple issue involving performance characteristics has to do with trade-offs or compromises. For example, if the B–1 is heavier than the specified weight, this can be compensated by carrying less fuel or less bombs and missiles. Although this degrades the performance to some degree, it may not be enough to make the B–1 unacceptable, as compared to other alternatives.

And it is precisely the answer to these and other questions that the Congress will be able to consider next year when the cost effectiveness studies are completed and some five months of flight test data has been provided. Until that time, no one has the ability to prejudge the outcome.

PROBABILITY OF MEETING THE AIR FORCE PERFORMANCE ESTIMATES

The Committee was also charged with assessing the probability of meeting the performance parameters of the Air Force development estimates for the B–1 aircraft within the cost and time schedule of the rephased development program. Based on the data presented by the B–1 SPO and Rockwell International, the Committee assessed the realizeable performance of the current design. The results of the Committee's assessment are given in Table I which shows estimated percent variations from the Air Force estimates. In order to make the assessment of Table I in the limited time available, it was necessary to rely heavily on the judgment and past experience of the Committee members. To convey the range of uncertainty that the Committee feels exists in their assessment, three values are given: *Possible, Most Probable,* and *Reasonable Adverse Limit.* A study of the table shows several significant percentage departures of most probable numbers from the Air Force estimates. These include empty weight, range, take-off distance, thrust margin and refueled altitude. The Committee did not attempt to comment on the acceptabilities of the reduced performance values since this judgment must rest with the Air Force.

TABLE I.—ESTIMATED PERCENT VARIATIONS IN PERFORMANCE PARAMETERS FROM AIR FORCE DEVELOPMENT ESTIMATES

| Performance parameter | Possible status | Most probable status | Reasonably adverse |
|---|---|---|---|
| Takeoff weight | +10 | +10 | +10 |
| Empty weight | +15 | +19 | +26 |
| Maximum refueled weight | +8 | +9 | +11 |
| Range: | | | |
| Subsonic variable | −4 | −11 | −20 |
| Subsonic constant | −6 | −18 | −29 |
| Supersonic variable | −4 | −9 | −14 |
| Takeoff distance: | | | |
| Standard day | +15 | +15 | +15 |
| Hot day | +13 | +13 | +13 |
| Landing distance | +6 | +6 | +6 |
| Thrust margin | +6 | −9 | −14 |
| Refueled altitude | −12 | −15 | −21 |

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

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. President, how much time does the opposition have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I shall be brief. I simply wish to say that I have been to Palmdale, Calif., and crawled all through the B–1 that is currently being put together for flights on October 29 this year. I have never seen a weapons system in all my tours of duty on the Committee on Armed Services that I think is more impressive.

This is going to be one of the finest target penetration aircraft the world has ever seen and from the strategic standpoint it will be the finest target penetration aircraft the world has ever seen in anyone's inventory.

I think it is essential that we proceed with the devlopment of the B–1. I hope that ultimately we go into production with it because it will enable us to maintain the triad of strategic deterrent which is a vital part of our strategic inventory so that we will have missiles, submarines, and advanced manned strategic bombers. I hope the Senate defeats the amendment which can only serve to prolong the program and increase the cost.

Having visited the plant there I can

attest that some acts of Congress and building delays in the program have made the program more costly. At a time when we are concerned about cost overruns it is incumbent upon us to fund it adequately and proceed.

I think we have to make the decision as to whether we are to go on with it or wipe it out altogether, but there is no point in crippling it by funding.

I hope the position of the committee will be adopted and the amendment defeated.

I yield back whatever time I have.

Mr. STENNIS. Mr. President, I yield myself 2 minutes just to say this. In addition to what the committee report shows and what the printed record of the hearings show with reference to the B–1, we now have the benefit of the very fine remarks that have been made here on the amendment by the proponents of the amendment—they are well prepared—and those in opposition. It certainly shows that this matter has been gone into about as thoroughly as it is possible to do so in hearings and in debate.

I am willing to submit it to the judgment and the will of the Senate now.

I want to emphasize one point. We must remember that this B–1 will be a part, and I think an essential part, of what we call the triad of our deterrence. We have the ICBM's, the Minuteman, and we have the sea-based Polaris missiles, most of which have been converted to the Poseidon, plus the forthcoming new family of submarines, the Trident. Then this plane will be to replace the B–52, which we already have in operation, and which has proved to be a splendid machine and bomber, and of tremendous deterrent value, I think. The B–1 will be, also. It seems to me, in this connection, that the deterrent value is more in the bomber than it is in the missile.

I am glad to submit the case on this matter.

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes on the Senator from South Dakota's time.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. MANSFIELD. Mr. President, on February 26, 1974, I addressed a letter to the Honorable James R. Schlesinger, Secretary of Defense. The letter reads as follows:

Hon. JAMES R. SCHLESINGER,
*Secretary of Defense, U.S. Department of Defense, Washington, D.C.*

DEAR MR. SECRETARY: Enclosed are questions which I have prepared dealing with various matters relating to Defense policy and proposed expenditures contained in the 1975 budget for consideration by the Commission on the Organization of the Government for the Conduct of Foreign Policy.

All of the premises upon which these questions are based have been formulated from unclassified information that has appeared in the American press and elsewhere. I believe all of the information solicited by these questions should be part of the public domain and should be publicly discussed by the Commission and within the Congress in open session.

I therefore request that none of the information supplied by you in answer to these questions relate to classified information, and if in any case you are unable to answer fully the question because you prefer the answer to be classified, please state that aspect is classified and the reasons for the classification of that information. It is only through an open dialogue on questions such as these that the wisdom for these policies and proposed expenditures can be truly validated.

I look forward to an early response from you on these matters.

Sincerely,

MIKE MANSFIELD.

By way of background, Secretary Schlesinger appeared before the Commission, I believe in January of this year. At that time I asked a few questions. I stated I would like to submit some other questions in writing, and the Secretary assured me that he would be prepared to answer all the questions I submitted in that manner.

In response to the letter dated February 26, 1974, I received a reply under date of March 29, 1974, not from Secretary Schlesinger, but Ray Peet, vice admiral, USN. The reply is as follows:

DEAR SENATOR MANSFIELD: Regarding your letter of February 26 let me assure you of our continued interest in the excellent work of the Commission on the Organization of the Government for the Conduct of Foreign Policy. Secretary Schlesinger was very favorably impressed during his appearance before the Commission last December and desires to assist as may be necessary in its future endeavors.

Regarding the information to be considered by the Commission from this Department, I share your view in the benefits to be derived from increased public awareness of U.S. commitments throughout the world. It is apparent, however, that many important aspects of the questions you posed on behalf of the Commission cannot be addressed adequately on an unclassified basis. Accordingly, it is our intention, and we will also advise Ambassador Murphy, to place at the Commission's disposal senior members of the Defense staff to discuss those questions of interest to the Commission. The resulting face to face dialogue should avoid the constraints of classification and should prove of more value than a limited and unclassified written response. I would expect that acceptable arrangements for these discussions can be made in the very near future.

It is my hope that our cooperation with the Commission will prove beneficial and that it may ultimately enhance our present and future foreign policy initiatives.

Sincerely,

RAY PEET,
*Vice Admiral, USN.*

On April 2 I replied to Admiral Peet as follows:

DEAR ADMIRAL PEET: I have received your letter of March 29, 1974, stating that it is your intention to place at the Commission's disposal senior members of the Defense Department staff to discuss the questions that I raised in my letter of February 26, 1974, rather than answering in writing those questions I submitted to Secretary Schlesinger.

I find this response unsatisfactory. By copy of this letter to Secretary Schlesinger, I am renewing my request for these questions to be answered in as great detail as possible and on an unclassified basis. Upon the receipt of the answers to these questions, I believe the Commission then could make a valid judgment as to which areas need further elucidation by further testimony of members of the Defense Department. Since you stated that you were to advise Ambassador Murphy of your decision. I am sending a copy of this letter to Ambassador Murphy and to every member of the Commission of the Organization of Government for the conduct of Foreign Policy.

Sincerely,

MIKE MANSFIELD.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I yield myself 5 minutes more.

During the latter part of April a meeting was held by the Commission. I brought to the Commission's attention the correspondence which I had dispatched and which I had received in return, and the Commission unanimously agreed that the information which I requested should be forthcoming. So Robert D. Murphy, Chairman of the Commission, sent the following letter to the Honorable James R. Schlesinger:

APRIL 26, 1974.

Hon. JAMES R. SCHLESINGER,
*Secretary,*
*Department of Defense,*
*Washington, D.C.*

DEAR JIM: May I refer to Senator Mansfield's letter of February 26; to the response of March 29 by Vice Admiral Ray Peet; to a similar letter of the same date to me from Admiral Peet; and to Senator Mansfield's letter to Admiral Peet of April 2.

The Commission fully shares the interest expressed by Senator Mansfield in the questions submitted and hopes that you will be able to respond in written and unclassified form as requested by the Senator.

Once again let me say how very much we appreciated your appearance before the Commission last December. We found your candid testimony most valuable.

With warm personal regards,

ROBERT D. MURPHY,
*Chairman.*

Mr. President, I have yet to receive an answer to the questions dispatched on February 26, 1974. The Commission has yet to receive an answer to the letter dispatched on April 26, 1974.

Therefore, Mr. President, I ask unanimous consent that these questions be inserted in the RECORD at this point, and may I say they are all very pertinent to an amendment which I will offer tomorrow, and other amendments to come before us on this bill.

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

U.S. COMMITMENTS AND FORCE DEPLOYMENTS

1. The Congress has been inforced by the Department of Defense that none of the eight collective defense treaties to which the U.S. is a signatory power contains a provision requiring U.S. forces to be stationed overseas.[1] Yet as of June 30, 1973, the United States had 542,000 troops stationed in over 40 foreign countries. In the absence of any treaty commitments why can't 250,000 of these military personnel be withdrawn over a period of three fiscal years?

2. In the FY 1974 Military Manpower Requirements Report the Department of Defense indicates that the NATO, SEATO and various Pacific Mutual defense and aid treaties are the "primary applicable treaties" justifying the principal active duty missions of 11⅓ Army and Marine divisions, 15 aircraft carriers, 160 surface warships, and attack submarines and 32 air squadrons. Since, in fact,

[1] Hearings Before the Subcommittee on Arms Control, International Law and Organization of the Senate Committee on Foreign Relations, U.S. Forces In Europe, July 25 and 27, 1973, page 346.

these treaties do not specify a level of U.S. force commitment what is the justification for the assignment of this massive mission requirement to our armed forces?

3. According to the Department of Defense FY74 Military Manpower Requirements Report, U.S. force levels and overseas deployments are based on accomplishing two basic national security objectives of:

(1) preserving the U.S. as a free and independent nation, to safeguard its fundamental institutions and values, and protect its people.

(2) contributing to the security of other nations with whom we have treaties or whose security significantly impacts upon our security.

Please provide by country a specific explanation for the presence of U.S. military personnel in each foreign country where they are currently stationed, indicating precisely how this in-country presence contributes to the attainment of the two national security objectives.

4. Please specify and explain in detail the provisions of the articles and declarations in each of the following treaties which are construed as requiring or implying a U.S. national commitment to provide forces and/or military assistance for mutual security and collective defense purposes:

The North Atlantic Treaty.

The Southeast Asia Collective Defense Treaty.

The Inter-American Treaty of Reciprocal Assistance.

The Security Treaty between Australia, New Zealand and the United States of America.

The United States-Republic of China Mutual Defense Treaty.

The bilateral security treaty between the Republic of the Philippines and the United States.

United States declaration to participate with Central Treaty Organization (CENTO) members in some security and defense activities.

5. The Department of Defense has stated that an independent withdrawal and deactivation of any level of U.S. forces stationed in Europe would amount to "essentially abandoning our NATO commitment."[2] Please specify the U.S. treaty commitment that would be abandoned by the withdrawal and deactivation of one European-based mechanized division.

6. What percentage of overall U.S. military manpower is assigned to units that are stationed in Europe, afloat in the North Atlantic and Mediterranean, or in the continental United States with NATO missions? What percentage of these forces are members of the Regular Army, Navy, Marine Corps and Air Force?

7. The Department of Defense has indicated that there is no treaty article per se which requires U.S. military personnel to be stationed in the Federal Republic of Germany, but that U.S. personnel are there to implement NATO strategy and operational plans approved by General Goodpaster, the Supreme Allied Commander Europe, after consultation and agreement with national authorities concerned.[3] Specifically, who are the national authorities that General Goodpaster consults with on U.S. military manpower levels, D-Day missions and employment of U.S. troops, and possible combat use of U.S. tactical nuclear weapons? Who in our government approves U.S. agreement on these consultations? Are these consultations and agreements placed before the Congress for consideration?

8. There has been frequent reference in DOD statements regarding the need for a "stalwart conventional capability" in Central Europe.[4] In terms of force units specifically what size NATO force could provide a "stalwart" conventional defense posture?

9. U.S. Forces are reported by DoD to constitute only 10 percent of the peacetime NATO ground forces in Europe.[5] Please explain which NATO forces are numerically included in this peacetime total, and the number of U.S. ground forces that comprise the 10 percent. Are NATO reserve forces included in this overall peacetime force under arms?

10. What do you consider the minimum essential U.S. force required in place in Central Europe to conduct an initial non-nuclear conventional defense? How long could the present forces stationed in Europe withstand an all-out offensive from the Warsaw Pact before tactical nuclear weapons were used or captured?

11. In DoD testimony before the Congress it has been indicated that the allies provide about 25 divisions to the NATO military force structure. How many of these divisions are supplied by France? Are these divisions integrated into day-to-day operational D-Day planning of the Supreme Headquarters Allied Powers Europe? Are French divisions in France and West Germany considered as being immediately available for D-Day combat operations in the Center Region? If not, why are they included in the listing of available NATO divisional forces?

12. What is the status of the negotiations with our NATO allies to establish the infrastructure for a Line of Communications (LOC) across the BENELUX countries? How much will this LOC cost the U.S. Government? In the absence of the BENELUX LOC are U.S. forces in Central Europe relying solely on the line of communication from Bremerhaven for incoming heavy equipment and supplies? Is the Bremerhaven LOC secure in the event of a conventional Soviet ground attack in Europe? If not secure, what are the present alternatives available for wartime heavy re-supply of U.S. forces in West Germany? How long have the negotiations on the BENELUX line of communication infrastructure been conducted with our NATO allies?

13. What was the total cost to the U.S. Government of the LOC that was abandoned when U.S. forces withdrew from France? To date, how much has the French Government reimbursed the U.S. for the infrastructure of the LOC built across France in the 1950's? What is the present status of the Petroleum, Oil and Lubricants pipeline across France? What percentage of U.S. POL products for our forces in Central Europe are transported through this pipeline? What is the cost to the U.S. for the pumping of these POL supplies? Is operation of this pipeline under French national control or is it under NATO direction? Is it assumed these pipeline facilities would be available to U.S. forces in the event of hostilities in Europe. If not, what alternative system of POL distribution resupply would be available to U.S. forces?

14. In the context of planning for a NATO conventional defense posture in Central Europe what European base area hospital care facilities are planned as being available for treatment of wounded and injured U.S. military personnel? Were these hospital facilities prepared as replacements for the U.S. base area hospital complex that was constructed in France during the 1950's? What was the total cost of the U.S. wartime base hospital complex constructed in France? How much did the French Government reimburse the U.S. for this emergency hospital infrastructure when U.S. forces were forced out of France?

15. The Department of Defense has reported that there are approximately 250,000 dependents of military personnel living in Europe. I believe that nearly one-third of that total are children under 5 years of age. This would seem to present a tremendous emergency evacuation problem. I also understand that the DoD has primary responsibility for the emergency evacuation of military dependents in Central Europe. Does the Department envision it would be possible to conduct an orderly evacuation of all military dependents in Europe—particularly those living with our forward combat forces stationed near the West German border—during the time frame of heavy reinforcement and imminent hostilities? What is your appraisal of the impact such a massive evacuation during a period of increasing international tension would have on our NATO allies and the Warsaw Pact nations? Is there currently any contingency planning by the Department of Defense to have military dependents in Europe "standfast"? In FY 1973 what percentage of US balance of payments deficits resulted from the presence of military dependents in Europe?

16. I understand that it takes at least three to four weeks to transport the "Reforger" and "2+10" units to Europe.[6] Since most of this reinforcement will travel by air, would you comment on the critically and probable availability of control of the air corridors and airspace over the projected landing sites? What is your estimate of the inflight and landing safety of this reinforcement troop airlift after the beginning of hostilities in Europe? If a massive troop reinforcement airlift is not feasible or possible, what would the overall situation be in regard to available sea transportation, docking and forward ground transport facilities?

17. A 1973 GAO report indicated that prepositioned heavy equipment maintained in the Federal Republic of Germany for the airlifted reinforcements was either in the wrong place, broken or positioned so as to be vulnerable to early capture or destruction by Soviet air, armor, conventionally armed missiles or long range artillery. Would you comment on how the situation was allowed to develop and what action has been taken to correct this problem? How many days is it estimated it would require the "Reforger" and "2+10" units to marry-up with this prepositioned heavy equipment and move to enter combat operations?

18. I have been informed that U.S. logistic stockpiles for conventional contingencies in Central Europe are maintained at about 90 day levels of supply. Press reports have indicated that none of our NATO allies maintain 90 day supply levels. Why is it necessary that U.S. forces maintain greater levels of supply for conventional war contingencies than other NATO allies?

19. I understand that U.S. supply depots are generally concentrated in the Saarbrucken-Kaiserslautern-Darmstadt area, considering that this area is only about 150–200 miles from forward positioned Warsaw Pact armored units, what is your estimate of the security of these large logistic stockpiles in the event of conventional warfare in the Center Region? Is it not a possibility that these supply depots as well as the special weapons storage areas, could be overrun by Warsaw Pact forces before the supplies and weapons could be used, moved or destroyed?

20. Over past years DoD spokesmen have frequently stressed the importance of our Mediterranean bases in on-staging and overflight planning for providing military assistance to Israel. Please furnish your appraisal of the validity of continuing to maintain current U.S. bases and force levels along the Mediterranean basin in view of the decision

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[2] Hearings, *supra*, at page 355.

[3] Hearings, *supra*, at page 355.

[4] Testimony of Secretary of Defense Schlesinger before Subcommittee on Arms Control, International Law and Organization of the Senate Foreign Relations Committee, July 25, 1973, pages 69 and 86.

[5] Hearings, *supra*, at page 70.

[6] Hearings of the Senate Armed Services Committee on the FY 1973 Military Authorization Bill (S. 3108, Part I, page 44).

by the Governments of Spain, Italy, Greece and Turkey to either deny or limit our use of those bases in the recent unilateral U.S. action to follow our own national policy interests in aiding Israel.

21. Also, please comment on the scenario that has been frequently postulated of using our Mediterranean bases for over-flight and on-staging of U.S. men and planes moving from the European Center Region to reinforce on the NATO southern Flank to meet a Soviet threat in the Middle East. Would it not be logical to assume that a Soviet threat of significant magnitude to warrant the movement of U.S. forces to the Middle East would also be accompanied by the danger of increased Soviet threat in Central Europe? Wouldn't this make the shifting of U.S. and NATO forces from the Center Region (or the U.S.) an unlikely event? And if so, why do we need to continue to maintain the current Mediterranean basin bases at present levels for improbable use of on-staging and over-flight—particularly in light of our recent experience during the Mid East War?

22. Press sources reported that the Soviet Mediterranean fleet was increased to 90 vessels (compared to 66 ships in the U.S. Sixth Fleet) during the peak of the Mid-East crisis.[7] Please provide a comparison of these buildups of the U.S. and Soviet Mediterranean fleets, showing the number and type of combat warships and submarines, naval aviation, marines afloat, naval infantry, and supply and auxiliary ships in each fleet.

23. The Department of Defense has reported that two squadrons of U.S. Air Force fighter planes continue to be stationed in Turkey with a NATO mission of assisting the Turkish Air Force in NATO defense missions involving Turkish air space. What is your appraisal of the continued validity of this U.S. force deployment in view of the recent Turkish refusal to permit U.S. aircraft flying supplies to Israel to use landing fields in Turkey and the fact that at the same time Soviet air transports were permitted to penetrate Turkish airspace unopposed while flying military supplies to Egypt? If Soviet aircraft can penetrate Turkish airspace with impunity during the days of a U.S.-Soviet crisis of sufficient magnitude to cause a worldwide DEFCON 3 alert of our armed forces, what is the purpose of the fighter squadrons in Turkey when they could not react to the recent crisis? What is the specific treaty obligation and mission justification that requires the continued presence of 7,000 military personnel in Turkey? State the threat to the defense of NATO's Southern flank and give specifics of how U.S. military forces in Turkey assist NATO-committed Turkish armed forces in meeting this threat.

24. Please explain in detail the specific missions assigned and duties currently being performed by the Headquarters JUSMAT Turkey and its Army, Navy and Air Force sections. Please provide an organizational manning table for JUSMAT. Also please furnish the non-classified duties performed by the defense attaches in Turkey. Additionally, please provide your opinion on the need to continue to station U.S. combat-mission missile and air units in Turkey, and an unclassified explanation of DOD thinking in regard to their long-term strategic or tactical value through the mid-range 1980's.

25. What are the estimated total costs for construction of the "relocatable" steel and concrete pier constructed for the U.S. Navy "homeport" at the Greek port of Elefsis? What is the annual cost to the Navy to lease this pier? Is it actually possible to relocate the pier; if so, how long would it take to dismantle and prepare it for movement? What is the estimated cost for moving this "relocatable" pier? Wouldn't the cost of dismantling and moving such a pier exceed the value of the pier after depreciation? It is my understanding that the current "relocatable" pier at Elefsis is for use by destroyers that are homeported there. I have also been informed that the Navy intends to eventually berth an attack carrier in Elefsis Bay. Will this necessitate the construction of additional berthing, warehousing and fueling facilities? If so, what will be the estimated cost of these additional facilities? In regard to fueling facilities, will the bunkered fuel oil stored for the Sixth Fleet ships be transported to Greece from the U.S., or will foreign oil be purchased overseas to meet fuel requirements? What would be the cost and quantity of fuel required under each of the above methods of resupply? What are the current total projected costs for all facilities constructed or planned for construction through 1980 in support of the Greek homeport concept?

26. It is my understanding that the purpose of the Greek homeporting plan is to permit Sixth Fleet sailors to spend more time with their families. The Chief of Naval Operations has previously informed the Congress that dependents of Sixth Fleet personnel would be expected to find homes (that Navy surveys indicated were available) in and around Athens and Piraeus-Faleron and use existing Navy facilities located in the areas.[8] However, in view of the fact that the Greek Government has requested that the Navy use the bay at Elefsis rather than the previously agreed upon port at Piraeus-Faleron, Elefsis is a greater distance from Athens and the established Navy facilities at Piraeus-Faleron, is this situation not going to create the justification for eventual construction of U.S. dependent housing near Elefsis? What is the estimated number and cost of such dependent housing if it is in fact being planned? Also please comment on the desirability from a combat readiness standpoint of having Sixth Fleet carrier and destroyer crews scattered about at distances of as much as 30 miles (distance from Elefsis to Piraeus-Faleron-Glyfoda where most U.S. dependents now live) from their ships. What system of crew alert notification and assembly is presently in operation for military personnel living in such scattered locations as Athens, Piraeus and Elefsis?

27. Were U.S. Sixth Fleet personnel, ships and planes granted official freedom of operational movement, entry and exit to and from their bases in Greece during the recent Mid-East crisis? Did the Greek Government place any restrictions on the operational activities of U.S. forces based in Greece during the Mid-East crisis? Please provide your unclassified evaluation of the operational importance of the role that the sea and air bases at Elefsis, Piraeus and Athens played during the U.S. actions to provide military assistance to Israel.

28. There have been reports in the press of rising anti-Americanism in Greece.[9] In your estimation how serious is this and how much of this anti-Americanism sentiment has been directed toward U.S. servicemen and their families living in Greece? Has this increase in anti-American feeling among segments of the Greek society had any deleterious effect on the morale and operational combat readiness of U.S. military personnel stationed in Greece?

29. Please provide the specific assigned missions of the JUSMAG Greece and a listing and explanation of the current principal duties this joint headquarters and each of its Army, Navy and Air Force sections are currently performing. Please provide an organizational manning table for JUSMAG Greece. Also, please furnish a listing by type, quantity and year of delivery in-country of the major items of U.S. military equipment that JUSMAG military advisors are currently advising the Greek Armed Forces how to operate or maintain. Show the rank and service of the principal U.S. advisors on each of these types of equipment and indicate the overall total time each of the advisors has been assigned in Greece.

30. What treaty article requires the presence of 11,000 U.S. military personnel stationed in Italy? What was the reason that the number of U.S. military personnel in Italy increased by 1,000 between March 31, 1973 and June 30, 1973? Please state the mission change that necessitated this 1,000 increase and whether these personnel were transferred from other locations within Europe or brought in from the U.S.? How many U.S. military personnel assigned to Italy are serving in combat skill assignments?

31. Please provide a listing showing by service how many U.S. military personnel are serving in Italy. Indicate what percentage of each service's personnel are assigned to combat skill jobs, command headquarters, advisory duties, support communication and logistics assignments.

32. The DoD has stated the mission of the Southern European Task Force (SETAF) as providing support to NATO forces in Italy and to be prepared to provide logistic support in the Mediterranean. To what "NATO Forces" other than U.S. forces does SETAF provide support? Please describe and define the nature and extent of this support. Does SETAF "support" include the provision of a tactical nuclear-missile capability for the Italian Armed Forces? If so, what is the specific area threat that justifies this nuclear fire support, and why does it require a land-based missile capability? Why could this mission not be accomplished by other than a permanent land-based Army missile force in Italy? What is the barracks capacity of Camp Darby in Italy? What general overall level of supplies and equipment is stored at Camp Darby? What percent of these supply levels is for the emergency use of NATO allies? Are any of these stockpiles envisioned for use by U.S. Forces in the Federal Republic of Germany? If so, what line of communication will be opened to accomplish this resupply? If the presence of SETAF is required by a valid support mission requirement, why is it not possible to streamline and consolidate the activities of this command at one post such as the support base at Camp Darby?

33. What is the overall total cost of U.S. military assistance furnished to Italy since 1960? Over the past 15 years how much has been spent for military assistance funds on ship modernization and training for the Italian Navy? How much on the ship loan program? What is the role of Italian fleet in assisting the mission of the U.S. Sixth Fleet? Do you consider that this mission assistance is a fair return for the U.S. tax money invested? Please give a specific explanation of the combat and defense security this country has received and receives today as a return on the tax money expended over the past 15 years for military assistance to Italy.

34. Please explain why the vacation resort and fishing port of La Maddalena was selected as the home-port for an attack submarine tender. Also please list the advantages that this port was found to have over other Mediterranean ports considered. What will be the estimated total cost to the U.S. Government of this particular home-port arrangement? Is it planned to home-port additional Sixth

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[7] Chicago Tribune, November 1, 1973, "How Do-Nothing Allies Strained United States" by Bill Anderson.

[8] Subcommittee on Europe of the House Foreign Affairs Committee "Implementation of Homeporting in Greece," July 16, 19, and 30, 1973.

[9] Washington Post, December 8, 1973. In article Washington Post Foreign Service Correspondent Dusko Doder quotes an unnamed American official in Athens as calling homeporting "the biggest damn mistake we have made in Greece." What is your reaction to this report and why?

Fleet ships at La Maddalena? How many Sixth Fleet personnel currently have their families living at La Maddalena?

35. The Department of Defense has informed the Congress that the United States is not required by any treaty or agreement to station forces in Spain.[10] Please cite the language of the specific article or paragraph, in the 1970 U.S.-Spanish Friendship and Cooperation Agreement under which 9,000 U.S. military personnel and 14,000 military dependents are presently stationed in Spain.

36. How many military and DoD civilian personnel are currently assigned to the Joint U.S. Military Assistance Group/Military Assistance Advisory Group in Spain? Please furnish an organizational manning table for JUSMG/MAAG Spain. Also please provide the specific assigned missions of the JUSMG/MAAG and a listing and explanation of the current principal duties of the joint headquarters and each of its Army, Navy, Air Force sections. Provide a listing by type, quantity and year of delivery in-country of the major items of U.S. military equipment that JUSMG/MAAG military advisors are actively advising the Spanish Armed Forces on how to operate or maintain. Indicate the rank and service of the U.S. military personnel advising the Spanish Armed Forces on each major type of equipment and indicate the overall total time each of the advisors has been assigned in Spain.

37. What has been the total cost of U.S. military assistance furnished to Spain since 1960? Since 1956 how much has been spent from U.S. military assistance funds on ship modernization, ship loan program and training for the Spanish Navy? What is the present specific role of the Spanish Navy in assisting the mission of the U.S. Sixth Fleet in the Mediterranean? Please state the specific U.S. security and combat defense reasons why you feel these assistance expenditures are justified.

38. What has been the total cost of the U.S. of the micro-wave system installed in Spain? Is this system a fully operational and effective system today? When was this microwave system begun, when finished, when turned over to the Spanish? Are there any U.S. personnel currently involved in the operation or maintenance of this system? In the 1970 agreement did the Spanish Armed Forces request U.S. assistance in restoring the operational capability of this system? Was this assistance provided from military assistance funds? What was the problem that necessitated a request for additional U.S. assistance on this system?

39. What is the present personnel strength of the 16th Air Force? How many of these personnel are assigned to 16th Air Force Headquarters at Torrejon, Spain? Please furnish a listing showing the total numbers of general officers, field grade officers, non-commissioned officers and airmen (grades E–1 through E–3) assigned to the 16th Air Force. Is it correct that the combat component of the 16th Air Force consists of 1 fighter squadron of F–4 aircraft? What is the authorized Air Force ratio of squadron personnel per plane in an operational F–4 squadron of the type assigned to the 16th Air Force? What is the ratio of Air Force personnel of all ranks per combat aircraft assigned to the 16th Air Force?

40. In Congressional testimony Department of Defense spokesmen have indicated that more than half of the air-to-ground gunnery training of the U.S. Air Force permanently stationed in Europe with NATO missions, is conducted at the Bardenas Reales firing range adjacent to the joint Spanish-U.S. base at Zaragoza.[11] In view of the stated importance of this training to the combat-readiness of our NATO committed Air Force units, and considering the recent refusal of non-NATO member Spain to let U.S. Air Force aircraft flying supplies to Israel use the joint bases, what is your evaluation of the risk to the overall combat posture of our air forces in Europe posed by continuing to rely on the use of a non-NATO base as the only facility for the major combat training of over half our Air Force in Europe? Do our NATO allies not have firing ranges that we could share? Why must we maintain and operate a separate U.S. base in Spain for the gunnery training of our air crews stationed in NATO? Why is it necessary to maintain the San Pablo-Moron airbase on standby status? Under the terms of the 1970 agreement is it not plausible that the Spanish could deny further use of the firing range at any time? DoD has reported the FY 1972 costs for the operation of the Zaragoza airbase at $4 million; do these figures include the costs of moving crews and planes from their NATO bases to Spain? What is the annual amount of fuel consumed in moving personnel and planes to the firing range and carrying out the gunnery training?

41. On July 21, 1971, Mr. John Morse, Deputy Assistant Secretary of Defense, International Security Affairs for Europe, testified before Congress that it was the considered judgment of the Defense Department that our overall Mediterranean security posture would be considerably degraded were our bases in Spain not available in crisis. Would you comment on the continuing validity of this judgment and the urgency of the continued need for three airbases in view of the Spanish refusal to grant unrestricted U.S. use of the joint air bases during the recent Arab-Israeli War.

42. Is it not a fact that as recently as 1972 petroleum, oil and lubricants (POL) for U.S. air and naval activities in Spain were supplied from sources in the Caribbean, the U.S. Gulf States and Wales. Please explain the current system and sources for providing POL for our forces in Spain. Also please furnish an explanation of the current operation of the U.S. constructed pipeline system in Spain. Who operates and controls this pipeline upon which our forces must depend for their POL supplies? What percentage of the annual load of fuel pumped through this pipeline system is U.S. owned POL? What is the annual cost to the U.S. Government for the operation of this pipeline system? Is U.S. owned fuel presently stored in facilities at Cartegena and El Ferrol? If so, please explain the quantity stored and procedures by which this fuel is maintained under direct U.S. control.

43. Are there now, or have there ever been, any U.S. European Command contingency or emergency plans that include the use of Spanish forces or Spanish territory in any manner? Please explain why it has been incumbent on a U.S. representative from the NATO Council and Defense Planning Committee, to travel to Madrid to inform the Spanish (who are not NATO members) on the main elements of unclassified decisions reached in those NATO bodies? Why have other NATO allies not also considered it necessary to keep the Spanish abreast of NATO decisions and actions?

44. How many U.S. military personnel are stationed in mainland Portugal? How many in the Azores? Please provide a listing showing the major U.S. units to which these personnel are assigned. What percentage of these personnel are assigned in combat skill jobs? Please give the separate percentages of officers, non-commissioned officers (E4 through E9) and privates (E–1 through E–3) assigned in the U.S. force.

45. Please explain in detail the specific missions assigned and duties currently performed by the Headquarters MAAG Portugal and each of the Army, Navy and Air Force sections. Please provide an organizational manning table for MAAG Portugal. Also please furnish a listing by type, quantity and year of delivery in-country of the major items of U.S. military equipment that MAAG Portugal advisors are currently advising the Portuguese Armed Forces how to operate or maintain. Please show the rank and service of the advisor on each type of equipment and indicate the overall total time each advisor has been assigned in Portugal. On what date was MAAG Portugal established? when is it estimated its advisory duties can end? Do any of the advisory functions of MAAG Portugal have a relationship to Portuguese Armed Forces combat operations in Africa? Have any U.S. members of MAAG Portugal traveled to or visited with Portuguese military units engaged in Africa? What are the nonclassified duties of the Defense attaches stationed in Portugal?

46. There have been indications in the press that the Portuguese Government may request increased U.S. military assistance in the form of modern weapons systems, as the *quid pro quo* for continued U.S. use of Lajes airbase in the Azores. Would you comment on these reports and current DoD planning in regard to future levels of military assistance to Portugal, need for continued use of Lajes airbase, and alternative ways current Lajes missions could be accomplished?

47. I am told that prior to 1966 the emergency planning for U.S. Sixth Fleet attack carriers had both of our carriers moving immediately out of the Mediterranean and into the Atlantic where it was considered there was less danger they would be sunk by enemy air or submarine action. I'm informed that present D–Day planning envisions these costly carriers remaining in the Mediterranean. In view of the fact that DoD has reported Soviet naval and air capabilities in the Mediterranean greatly increased over each of the past five years, I'm somewhat at a loss to understand the rationale behind the military emergency planning which deemed it necessary to withdraw hastily the carriers during a period prior to 1966 when there was a reduced threat to their survival, and now planning to risk both the carriers and their crews in the Mediterranean during a time that the air, sea and cruise missile threat to their survival has according to the Department of Defense dramatically increased. Would you please comment on the present facts of this situation?

48. One of the stated missions for the U.S. Sixth Fleet in the Mediterranean is "to permit the deployment and logistics support of U.S. military forces overseas to ensure our continued access to vital overseas resources such as oil from the Middle East."[12] I find the potential implications and possibility for misinterpretation of this stated mission assignment for our Sixth Fleet particularly disturbing for an era of sensitive negotiations and increasing fuel crisis. Please explain precisely what this Sixth Fleet mission assignment is intended to convey and what Department of Defense contingency planning exists to implement this mission concept? Also what changed military requirements necessitated a 5,000 man increase in the number of U.S. military personnel afloat near Western Europe between March 31, 1972, and June 30, 1973?

49. In past readings of Department of Defense reports on the relative comparison between the U.S. Sixth Fleet and the Soviet Mediterranean Fleet, I have been struck by the absence of any substantive indication of the combat power furnished in the Mediterranean by the naval and air forces of our NATO allies, Turkey, Greece, Italy, Portugal, Great Britain and France. Please provide a

[10] Senate Hearings, *supra*, at page 358.

[11] Hearings before the Subcommittee on Europe of the House Foreign Affairs: Greece, Spain and the Southern NATO Strategy, July 21, 1971, page 276.

[12] (Senate Hearings, U.S. Forces in Europe, *supra*, page 361.

listing of the combat ships and planes (by class or type) that each of these NATO allies currently furnish to the NATO Mediterranean command, that would be available in time of emergency to act in concert with the U.S. Sixth Fleet. Also please provide a listing of combat ships and planes available to the Soviet Union and its Warsaw Pact allies in time of emergency in the Mediterranean. I would also appreciate your comments on the extent of the current Warsaw Pact naval and air threat in the Mediterranean and the total current capability of NATO sea and air forces to counter this threat.

50. Please explain specifically why U.S. national security objectives require the stationing of 21,000 U.S. military personnel in the United Kingdom? What agreement or accord provides the legal basis for the stationing of these military personnel and their 29,000 accompanying dependents in the United Kingdom?

51. I'm informed that Headquarters 3rd Air Force is the Department of Defense's executive agency for negotiations with the United Kingdom Ministry of Defense; and also helps coordinate all air and sea deployments for both peacetime and wartime objectives in the immediate area on the approaches to Europe. Isn't it a fact that the British Defense Staff Attaches in Washington act as the agency for negotiations between the United Kingdom Ministry of Defense and the U.S. Department of Defense? Why do U.S. Defense attaches in London not perform in a similar manner? What are the ranks of the U.S. Defense attaches in London? What are their duties? What other U.S. headquarters does Headquarters 3rd Air Force help in coordinating air and sea deployments? Does Headquarters CINCUSNAVEUR also help in this sea and air coordination? Why can't such coordination activities be consolidated into one of the several existing joint U.S. headquarters that are already maintained both in the U.S. and Europe?

52. Are there now, or have there ever been, any Department of Defense or Washington Liaison Group contingency plans for the emergency evacuation of U.S. military dependents in Central Europe to Northern Ireland or the Republic of Ireland?

53. What was the military requirement that necessitated doubling the size of the U.S. garrison stationed in Bermuda from 1,000 personnel on March 31, 1973, to 2,000 personnel as of June 30, 1973? What is the military mission of the U.S. force? How long has this force been stationed in Bermuda? What national security objective does it support? What is the total annual dollar cost of this force deployment?

54. The Department of Defense indicated in 1973 that the primary purpose of the U.S. military presence on the Japan mainland was "to maintain an operational, logistical and communications base structure which is viewed as minimally necessary to promote U.S. security interests and foreign policy objectives in the Far East." [13] Who has determined what force is "minimally" necessary to support U.S. Far East foreign policy objectives? What are the specific U.S. missions that this "operational, logistical and communication base structure" are maintained to support? What is the total annual cost of the U.S. forces and bases in Japan? Does this force presence result in any balance of payments deficits to the U.S.? If so, what were the yearly deficits in fiscal years 1970, 1971, 1972, 1973?

55. I'm informed that in 1971 during the Vietnam War there were approximately 20,000 U.S. military personnel (accompanied by 36,000 military dependents) stationed in Japan in the base structure that I assume was supporting U.S. war efforts in Vietnam. On March 31, 1973, there were 18,000 U.S. military personnel and 29,547 dependents stationed in Japan, but despite the end of direct U.S. military involvement in the Vietnam War by June 30, 1973, the number of U.S. military in Japan had *increased* to 19,000 military personnel. Please explain the military mission requirements which justified this increase in our Japan-based force. Also please explain why in a period of increasing détente with the Peoples Republic of China, the end of direct U.S. military involvement in Southeast Asia, reduced tension between North and South Korea, the seating of China and North Korea in the U.N., reduced danger of conflict between Mainland China and Taiwan and a reduced U.S. military presence in the Philippines, that it is necessary to still maintain in Japan an "operational, logistical and communications base structure" of practically the same size as was required during the period of the Vietnam War and the Cold War with the Peoples Republic of China?

56. The Department of Defense has indicated that no U.S. combat troops are based on the Japanese mainland. Does this refer only to ground combat troops such as infantry, artillery and armor, or does it include the combat elements of all air, naval and Marine Corps forces stationed in Japan? Please explain the structuring of all our armed forces in Japan with particular emphasis on the combat capability of the force and specific examples of how the current force aids in providing combat defense to the American people? Please cite the provisions of the article in the United States-Republic of Korea Mutual Defense Treaty which is the legal basis for the presence in South Korea of 42,000 U.S. military personnel. If this treaty does not provide the basis for the presence of U.S. military forces in South Korea, please provide the language of the accord or agreement that is the legal basis. Since what date have U.S. military personnel been stationed in South Korea? Please cite the legal basis for all periods of this presence.

57. In March, 1973, your predecessor, Secretary of Defense Richardson, stated that a continued U.S. presence in Korea was necessary "as an earnest signal of our intent to defend a staunch ally, as a guarantee that the U.S. [military assistance] program to modernize Korean forces would continue, and to provide political stability to the area." Please comment on your position relative to this statement and the need for the continued presence of U.S. troops in South Korea considering the following facts previously reported by the Department of Defense:

(1) The South Korean active ground forces number around 600,000 men backed by a large trained reserve. A large portion of the South Korean forces are Vietnam combat veterans. North Korean active ground forces strength has been stated by DoD as numbering around 360,000 men backed by a smaller reserve than maintained in the South. And the North Korean force has not been in sustained combat operations since 1953. There are no Soviet or Chinese combat units stationed in North Korea. (Secretary of Defense Melvin R. Laird's Annual Defense Department Report FY 1973, dated Feb. 17, 1972)

(2) The Department of Defense statement of "threat" for FY 1973 and FY 1974 indicates that both North and South Korea see aggression as contrary to their interests. (DoD Military Manpower Requirements Report, FY 1974)

(3) The United States is already committed to a five year $1.5 billion military assistance program to further "modernize" the South Korean Armed Forces with such modern weapons as the F–5E fighter plane. (See cite for No. 1)

(4) In FY 1972 the pay, upkeep and operating costs for U.S. forces in Korea was reported by DoD as $584 million, military assistance was $155 million and balance of payments ran over $200 million. (See cite for No. 1)

(5) The present South Korean Government which continues in power despite constitutional constraints to the contrary has recently further restricted the constitutionally guaranteed freedoms of its people—certainly not an indication of a manner or degree of political stability which U.S. forces could assist in providing.

58. Please indicate what actions the DoD intends to take to eliminate the excessive overhead of command and administrative personnel in the headquarters structure commanding U.S. forces in Korea. Specifically comment on the reductions planned in 8th U.S. Army Headquarters, I U.S. Army Corps, Headquarters Air Force Korea (which has been reported as having 8,300 military personnel assigned, but only 54 F–4 combat aircraft permanently assigned), KORSCOM, COMNAVFOR Korea, and the U.S. element of the U.N. Command/Joint U.S. Forces.

59. Please explain the mission and military reasons that require the continued presence of the U.S. Second Infantry Division in Korea. Why is 10% of this U.S. Army Division's strength composed of South Korea soldiers? What are the annual costs to the U.S. of these Republic of Korea soldiers serving in a U.S. Army division? Are there not enough U.S. Army personnel stationed in Korea to man this overseas combat division with U.S. soldiers at full Tables of Organization and Equipment strength? Please furnish a breakout of the major unit assignments of all U.S. Army personnel in South Korea. What is the rated degree of combat readiness and morale of this division? What were the percentage rates of the reenlistment, AWOL, non-judicial and judicial punishment convictions and administrative discharges in the Second Infantry Division in fiscal year 1972–73?

60. Are U.S. tactical nuclear weapons stored in South Korea? Does the 2d Division Artillery, 4th Missile Command and 38th Artillery Brigade have tactical nuclear weapons delivery capability? Are there any joint U.S.-ROK contingency plans for the emergency use of tactical nuclear weapons?

61. What major items of weapons and equipment were declared surplus to U.S. requirements and transferred to the Republic of South Korea from U.S. stocks in South Vietnam? What was the total acquisition cost value of this equipment? Was the shipment to Korea of these surplus items of equipment paid for by the South Korean or U.S. government? What were the shipment costs? Did the U.S. government receive any form of financial reimbursement for these weapons and equipment? Was this quantity of surplus equipment and weapons discounted from the totals of military assistance that the U.S. had pledged to provide under the ROK five-year modernization program, or were these surplus items furnished over and above the U.S. assistance to be furnished under the ROK modernization program?

62. Press articles have indicated that certain U.S.-ROK construction companies are currently either negotiating for construction contracts, or actually constructing permanent type concrete troop barracks and dependent housing units on which the U.S. is guaranteeing occupancy through 1985. Please comment on the facts in this matter and on whether or not there are plans within the Department of Defense which envision a continued U.S. military presence in South Korea until the mid-1980's.[14]

63. I have seen reports that indicate that JUSMAG Korea has about 400 senior U.S. officers and non-commissioned officers and 150 U.S. and South Korean civilians assigned or employed. * This seems like an

[13] Senate Hearings, U.S. Forces in Europe, *supra*, page 354.

[14] Washington Post, April 8, 1973, "On Freedom's Frontier: Boredom, Babes and Booze" by Don Oberdorfer.

excessive number in view of the fact that this U.S. military assistance group has been advising and assisting the South Korean Armed Forces for 24 years. Please furnish a copy of the organizational manning table for JUSMAG Korea. Also please provide the specific assigned missions and current duties of headquarters JUSMAG and each of its Army, Navy and Air Force Sections. Provide a listing by type, quantity and year of delivery in-country of the major items of U.S. military equipment that JUSMAG Korea military advisors are actively advising the South Korean Armed Forces on how to operate or maintain. Indicate the rank and service of the U.S. military personnel advising the South Korean on each major item of equipment and indicate the overall total time the advisors have been assigned in South Korea. What were the annual total costs to the U.S. (including pay and allowances) of JUSMAG Korea in fiscal years 1969–1973. What has been the total dollar costs to the U.S. of this military assistance group since its inception in 1949? When is it envisioned that this military assistance effort may be terminated?

64. In the 1972 Shanghai Communique the U.S. affirmed its intention to ultimately withdraw all U.S. forces and military installations from Taiwan. Yet in 1972 and throughout 1973 the number of U.S. military personnel stationed in Taiwan remained at around 9,000. What future plans, if any, does the Department of Defense have in regard to a substantive reduction in the number of U.S. personnel assigned to the Taiwan Defense Command and Military Assistance Advisory Group? With the end of direct U.S. military involvement in Southeast Asia why is it not possible to now withdraw the U.S. air transport elements and most of the communication units that were there to support U.S. combat efforts in Southeast Asia?

65. Please cite the language of the article of the 1954 United States-Republic of China Mutual Defense Treaty, or other pertinent agreement or accord, which provides the legal basis for the presence on Taiwan of 9,000 U.S. military personnel and nearly 5,000 dependents. Also please cite the specific language of the 1954 Mutual Defense Treaty which is construed to commit the United States to providing military forces such as the Taiwan Defense Command which are primarily responsible for assisting in the defense and security of Taiwan.

66. What is the current authorized strength of MAAG Taiwan? Please furnish a copy of the organizational manning table for this MAAG. Also provide the specific assigned missions and current duties of the MAAG headquarters and each of its Army, Navy and Air Force Sections. Please provide a listing of the major items of U.S. equipment on which U.S. MAAG advisors are currently assisting the Republic of China and the rank and service of the U.S. advisors so assigned. On what date was this MAAG established? When is it envisioned its advisory duties can be terminated? What are the non-classified duties of the U.S. Defense attaches in Taiwan?

67. Please explain the change of military mission or force requirement that caused the number of U.S. personnel stationed in the Philippines to increase by 1,000 from March 31, 1973 to June 30, 1973. What are the military missions that require 16,000 U.S. military personnel stationed in the Philippines? Please cite the specific language of the treaty, agreement or accord which is the legal basis for the presence of this U.S. force and their accompanying 15,000 dependents.

68. I am informed there are about 50 U.S. military personnel assigned to MAAG Philippines.[15] What is the mission and assigned duties of the MAAG headquarters and its Army, Navy and Air Force Sections? What are the major items of U.S. equipment on which U.S. advisors assist the Philippine Armed Forces? Please furnish an organizational manning table for MAAG Philippines. On what date was this MAAG established? When is it envisioned its advisory functions can be terminated? What phases of counter-insurgency training has the MAAG provided to the Philippine Armed Forces? Have MAAG U.S. Army advisors ever accompanied the Philippine Army units they advise on field operations?

69. The Department of Defense has stated that Okinawa serves as the principal offshore operational and logistical supply base for U.S. forces in Northeast and Southeast Asia, and estimates that 38,000 U.S. military personnel and nearly 20,000 dependents will be stationed there in FY 1974.[16] Please explain why U.S. security requires 19,000 U.S. military personnel in Japan "to maintain an operational, logistical and communication bare structure to promote U.S. security interests in the Far East," and 38,000 additional U.S. military personnel in the Japanese administered Ryukyu Islands to provide yet another "logistical supply base structure" for the same area (for example, Northeast Asia would appear to be more readily serviced by supply facilities in Japan)? And what are the U.S. combat forces in the Western Pacific area being served by this vast U.S. logistical base structure? Please list the military combat forces that are served by this logistical base structure. And explain why they require such a vast forward logistical support capability in Asia.

70. Please cite the language of the article or paragraph in any agreement or accord signed between the United States and Japan which provides the legal basis for a U.S. commitment to maintain 38,000 military personnel in Okinawa. What is the total annual cost to the U.S. of our bases and personnel in Okinawa?

71. Please explain the mission and purpose of the continued presence of most of the 3rd Marine Division in Okinawa. When is it anticipated that this ground combat division can be withdrawn?

72. Please cite the article and language of the agreement or accord, signed by the U.S. and Thailand, which provides the legal basis for a U.S. commitment of 39,000 military personnel stationed in Thailand. What U.S. national security objective requires the continued presence of U.S. military personnel in Thailand? In consideration of the recent change of government in Thailand what is your estimate of when it will be possible to withdraw JUSMAG Thailand? I am told that there are about 200 U.S. military personnel assigned to this joint U.S. military assistance group; what is the mission and assigned duties of these military advisory personnel?[17] What are the major items of equipment and the date delivered in-country, which U.S. advisors assist the Thai Armed Forces in operating or maintaining? Have U.S. military advisors assisted in the counterinsurgency training of the Thai Armed Forces; do these U.S. advisors accompany the Thai units they advise on field operations? What was the total annual cost to the U.S. in FY 1973 of the presence of our military personnel and bases in Thailand?

73. Please cite the language in the U.S.-Ethiopian Facilities Agreement that provides the legal basis for the U.S. commitment of almost 900 military personnel and about 7,500 dependents to be present in Ethiopia. What was the total cost of this force in each year during the period 1963–1973?

74. I understand that the mission of the MAAG Ethiopia is to supervise and administer the U.S. Military Security Assistance Program for Ethiopia. Please explain the specific parts of this military security program and how each of these parts of the program relates to the accomplishment of the principal U.S. national security objectives. Also please provide an explanation of the major duties performed by the MAAG headquarters and each of its Army, Navy and Air Force Sections, and a listing by type, quantity and date delivered in-country of the major items of U.S. equipment which MAAG advisors assist the Ethiopians in the using or maintaining. Are any U.S. military personnel stationed in Eritrea? If so, what are their duties?

75. The Department of Defense has indicated that the primary reason a Brigadier General is assigned as the senior commander of MAAG Ethiopia is "to ensure that the MAAG is able to maintain contacts at the appropriate command and staff levels in the military establishment of the host country." I find this explanation particularly unconvincing when one considers, for example, that in countries such as Colombia (which like Ethiopia furnished a combat battalion to fight with U.S. forces in Korea in 1951–52), Venezuela, Liberia, Zaire, Chile, Netherlands, Norway, Denmark, Peru, Portugal, Guatemala and Uruguay the military assistance groups are commanded by a colonel. Please comment on why MAAG Ethiopia cannot be commanded by other than a general officer. On what date was MAAG Ethiopia established? When is it envisioned that the duties of this military assistance group can be terminated?

76. Are there any U.S. Marine Corps personnel stationed in the Cape Verde Islands? If so, what is the mission and assigned duties of these personnel?

77. What is the mission and principal duties of the 30 U.S. military personnel assigned to the U.S. military assistance group in Zaire? Are these U.S. advisors instructing the military forces Zaire in counterinsurgency operations? Please cite the language of the agreement or accord, which provides the legal basis for the presence in Zaire of these U.S. military personnel and 80 accompanying dependents. Please explain specifically how this U.S. military presence in Zaire assists in the accomplishment of the two principal U.S. national security objectives. When does the Department of Defense envision that the assistance this military group provides to Zaire can be terminated?

78. Please cite the language of the agreement signed between the United States and Morocco which provides the legal basis for the presence in Morocco of 1,000 U.S. military personnel and their accompanying 7,600 dependents. What is the mission and principal duties of the U.S. military personnel assigned to MUSLO Morocco? What alternatives has the Department of Defense considered for other ways to accomplish the operational function of the communication station in Morocco? Could this communication function be accomplished by an afloat capability? What was the annual cost to the U.S. Government to maintain the U.S. military base and personnel in Morocco in fiscal years 1968–1973?

79. In July 1970 the Fitzhugh Commission Report (page 57) recommended that the Joint U.S. Southern Command headquarters be abolished, yet there are still a dozen general flag officers and dozens of field grade officers assigned to this joint headquarters to command combat components which consist of less than 6,000 personnel. Please comment on what plans the Department of Defense has for eliminating this costly and unnecessarily large administrative and command overhead. What is the U.S. military requirement that dictates the continued operation in the Canal Zone of the Army, Navy and Air Force schools to train Latin Ameri-

[15] Department of Defense Report on MAAG/Mission/MILGP Data, Dec. 31, 1972.

[16] Hearings supra at page 353.

[17] Department of Defense Report on MAAG/Mission/MILGP Data, Dec. 31, 1972.

can officers? After 20 years of operation, is it not reasonable to expect that these training schools can now be closed, since Latin American Armed Forces should by now have a sufficient cadre of trained personnel to conduct their own training?

80. I understand that the mission of the U.S. Army's 193d Infantry Brigade is to defend the Panama Canal from attack.[18] Please state the external ground forces which are considered to pose a "threat" to the ground security of the Panama Canal. What is the mission and principal duties of the U.S. Military Group Panama? Please indicate the type, quantity and date of delivery in-country of major U.S. weapons furnished to the Republic of Panama under the U.S. Military Assistance program in fiscal years 1971–1973.

81. For each of the following U.S. MAAG/Mission/MILGPs: Please indicate the mission and specific duties of the U.S. military personnel currently assigned, the type, quantity, and date of delivery in-country since FY 1970 of the major weapons and items of equipment furnished under the U.S. military assistance program, weapons purchased through military sales agreements negotiated by the Mission/MILGP, the date that each Mission/MILGP was established, and if possible, specific examples of how each Mission/MILGP has contributed to assisting the host country in developing a capability to defend themselves from attack and protecting their sovereign rights to independence and self-determination.

MILGP Argentina.
MILGP Bolivia.
MILGP Brazil.
MILGP Chile.
MILGP Colombia.
MILGP Costa Rica.
MAAG Dominican Republic.
MILGP El Salvador.
MILGP Guatamala.
MILGP Honduras.
MILGP Paraguay.
MAAG Peru.
MILGP Uruguay.
MILGP Venezuela.

82. Please explain the mission and functions of the Joint Brazil-U.S. Defense Commission and the Joint Brazil-U.S. Military Commission. Please explain the command and control channels established for these joint commissions by bilateral agreement between the U.S. and Brazil. What is the relationship between these bilateral commissions and the U.S. Embassy and the MILGP in Brazil? How many U.S. military personnel are assigned to the U.S. Sections of these two Joint Commissions? How many to the MILGP and the Defense attaches office? What is the total amount of appropriated funds allocated to the operation of these Commissions?

83. Please explain the mission and purpose of the Inter-American Defense Board and the Inter-American Defense College and the military justification for the number of senior U.S. officers assigned to them. List the substantive accomplishments of the Inter-American Defense Board over the past 10 years which have contributed to U.S. national security objectives. How is the course curricula of the Inter-American Defense College formulated and what agency approves this curricula? Please summarize the major objectives of the course of instruction taught at the Inter-American Defense College, does this course stress counterinsurgency operations? What is the total cost to the U.S. Government for this College (including facilities, operation and maintenance, pay and allowances)?

84. The Military Manpower Requirements Report for FY 1974 indicates that 68% of the FY 1974 Department of Defense total active military force will be serving as officer or non-commissioned officers/specialists. Please provide a specific explanation of why it is necessary for the active armed forces to maintain such a large percentage of executive and supervisory personnel. What percentage of these officers and non-commissioned officers are assigned to authorized combat command and leadership positions? What percentage to headquarters staff and administrative assignments? What percentage to support and communication duties?

85. Please provide your comments on what actions the Department of Defense is preparing to take during FY 1975 to increase the overall combat productivity of U.S. military manpower. Please comment on the specific steps you plan to take during FY 1975 and FY 1976 to increase the percentage of each service's end-strength manpower assigned to combat skills, intermediate combat units and major combat units.

86. Please furnish your comments on what specific steps the Department of Defense plans to take within each service during FY 1975 toward reducing the overall number of military personnel assigned to command headquarters and support duties. What is the estimated percentage of the total FY 1975 DOD personnel force that will be assigned to command headquarters and support duties?

87. What is the total number of DOD personnel who will be assigned to transient status during FY 1975? What is the total estimated cost for this transient manpower? How many permanent change of station (PCS) moves among the total Department of Defense manpower force do you estimate will be required in FY 1975? How does this estimate compare with the total PCS moves made during FY 1974? What is the estimated overall cost of the FY 1975 PCS moves? Please comment on what actions you propose to take to cause the services to restrict and reduce the number of PCS moves projected for FY 1975?

88. Please provide information on the actions which you plan to take to reduce military grade creep. What consideration is being given to returning our active duty officer corps to the pre-Korean War concept of serving in their permanent, rather than temporary, rank during peacetime?

89. How many four and three star officers will be serving on active duty on June 30, 1974? Please indicate by grade and service how many field grade officers and company grade officers will be serving on active duty on June 30, 1974. Please provide information on how these grade levels compare to the grade levels on June 30, 1945, June 30, 1953, June 30, 1964 and June 30, 1973.

90. The London-based Institute of Strategic Studies reported in 1973 (Vol. XV, No. 1, Jan–Feb 1973 "The Wasteful Ways of NATO") that the adjusted peacetime division slice (division plus its share of nondivisional support personnel) for U.S. Forces in West Germany was approximately 42,000 men but only 18,500 for Soviet Forces. In the FY 1973 Department of Defense Military Posture Statement, the Chairman of the Joint Chiefs of Staff, Admiral Moorer stated, "A Soviet tank division at full strength has about 9,000 men, over 300 tanks; whereas an average U.S. armored division has about 17,000–18,000 men, 324 tanks." Considering that the tank is the primary weapon of an armored division, would you please explain why a U.S. armored division with twice as many soldiers as a Soviet division can field only 24 more battle tanks, and why Soviet divisions apparently attain a much better division slice in the use of their combat skill manpower.

91. What specific weapons systems do you consider are imperative to the attainment of U.S. national security objectives in FY 1975?

92. If you were required to make reductions in the defense portion of the FY 1975 budget in each of the amounts stated below, outline and explain what specific actions you would take in regard to reducing: (1) Strategic Forces, (2) General Purpose Forces, (3) Airlift/Sealift, (4) Guard and Reserve Forces, (5) Research and Development, (6) Central Supply and Maintenance, (7) Training, Medical and General Personnel Activities, (8) Administration and Associated Activities, (9) Procurement and (10) Support to other Nations.

$5 billion.
$10 billion.
$20 billion.
$30 billion.

93. Please provide comments from each of the military services on:

(1) What each Service considers as the minimum essential manpower force levels, overseas deployments and weapons systems (in the inventory or to be procured and produced by 1983) required for accomplishment of the assigned Service mission statement?

(2) What military and civilian manpower deployments, overseas bases and projected weapons systems each Service believe it possible to reduce or eliminate?

(3) What portions of their mission statements and force commitments should be altered or eliminated in the interest of better mission accomplishment, more efficient operation and improvement of combat capability?

94. Please provide a statement from each military Department outlining the specific military requirements that the Department considers essential to the attainment of U.S. national security objectives through 1980. Through 1985.

95. Please have each military service (with separate statements prepared by the Navy and Marine Corps) prepare and submit a statement of how they view the overall mission assignment, force structuring, deployment, and weapons system programming of each of their sister services, and what changes they would recommend for the other services.

96. To date the Vienna talks on Mutual Force Reductions (MFR) have hinged on the possibility of an agreement between the Soviet Union and the United States on a mutually acceptable level of troop reductions in Central Europe. Assuming that some slightly lower level of forces can eventually be agreed upon by both superpowers, would you please comment on how a reduction of say 25,000 men each would alleviate the basic problem and danger of a continuing armed confrontation of the superpowers in Central Europe? Wouldn't a formal agreement establishing a treaty-specified level of force have a tendency to institutionalize and perpetuate an almost permanent level of U.S. and Soviet military forces in Central Europe, rather than substantively reducing the threat of continued armed confrontation?

97. In your recent FY 1975 defense posture statement submitted to the Senate Armed Services Committee, you were quoted in the press as stating that the Department of Defense was "beating fat into swords". In February, 1972, Secretary of Defense Laird indicated that the FY 1973 Defense Budget was a "no fat, bare bones" request; in March, 1973, Secretary Richardson indicated that he had closely examined the Defense Budget for FY 1974 and had found no fat in it. Now you are indicating that there is (and evidently has been) fat in the defense budget particularly in the area of manpower. But you propose to shift this fat into increased combat forces. What change in threat analysis or national defense mission and security requirements necessitate additional U.S. combat elements? Why can't this manpower fat that you indicate is in the budget not

[18] Wall Street Journal, Jan. 10, 1974, "The Good Life" by Richard J. Levine.

be eliminated from active duty and savings made in overall manpower costs?

98. The 1975 Defense budget requests funds for the development of an ICBM capacity with greater accuracy than the present 1,500 feet of the Minuteman. In addition, funds are requested for increasing the "yield" of the nuclear warheads. Since the present targeting policy includes both military and non-military (cities) targets, what is the need for a nuclear missile accuracy of less than 1,500 feet, unless the military target is a hardened silo under the ground? Please explain especially in view of the request of an increased yield of the warheads.

99. Since so many of the military targets are located near population centers, the effects of a nuclear explosion on the military target near a city will be catastrophic to the civilian population. The military targets that are remote from the civilian population need no further warhead accuracy unless again the intention is to target missiles in hardened silos. In view of the additional billions being spent for ASW research by the United States, won't the Soviets interpret these programs of increased accuracy and yield as a first strike policy by the United States? Please explain.

100. Secretary of Defense Laird in 1969 interpreted the development of a high yield Soviet missile as a first strike effort by the Soviet Union even though that missile did not render vulnerable our submarine fleet. Why would the Soviet Union not be justified in making a similar assessment of United States development of such a high yield/high accuracy weapon system? Please explain.

101. What effect will this proposal for a new generation of missiles of greater yield and greater accuracy have on the SALT negotiations? Please explain.

102. If the Soviet Union does interpret our actions of developing a higher yield/higher accuracy ICBM warhead as the development of a first strike capability (i.e. a U.S. capacity to hit Soviet missiles in their silos), would not that interpretation increase the likelihood of the use of nuclear weapons by making the option of a first strike by the Soviet Union more enticing to them? If our submarine fleet would still be a deterrent to a first strike, what is the necessity of building the new generation of high accuracy/high yield weapons for our land based missiles?

103. If our land-based ICBM's are given a new war-making role by developing for them a new high yield/high accuracy warhead, will those with operational responsibility be able to argue that phasing out the land based missiles no longer makes sense and therefore such a proposal at SALT will be undermined by this new policy of weapons development? Please explain.

104. In 1969 my request for a listing of all research projects funded by the several defense departments triggered a massive and prolonged exercise that ultimately produced a listing equivalent in volume to a file cabinet. The time it took to produce the material suggested to us at the time that DoD information systems for ongoing research projects might not be complete. What is the status of your systems today for reporting to the DoD management, and to Congress, information on research projects? In particular, what changes, if any, have been made in these systems since the time of my initial inquiry?

105. The Section 203 requirement of the defense authorization for FY 1970 put into motion a major review of each DoD research project to test relevance to defense needs. What are present DoD policy procedural requirements concerning the relevance of DoD funded research to defense needs? I would appreciate such information for ARPA and for the Departments of the Army, Air Force and Navy.

106. How much research is DoD now funding at universities? How has that funding changed since FY 1970? Please provide information by fiscal years.

107. For DoD funded university research, what information is there on the proportion of projects funded as a result of specific DoD requests for proposals and projects funded as a result of unsolicited proposals? What is DoD policy on funding of research via unsolicited proposals?

108. Please compare the relative proportions of research funded via grants at universities for FY 1970 and for the latest fiscal year for which information is available. What factors now determine whether a contract or a grant will be used to fund DoD research at universities? In particular, is the choice at the option of the University, or is it related to the nature and purpose of the defense needs?

109. One apparent result of the Section 203 legislation was a decision by the DoD to withdraw support from certain specific fields of science, such as high energy physics. This led to some strains upon the National Science Foundation and other agencies as funding of defense supported projects suddenly ended. With the benefit of hindsight, what lessons for Federal research administration were learned from DoD's implementation of Section 203? In particular, what was learned about coordinating Federal research when it is shifted from one agency to another? How pertinent is this experience to shifts that may attend future Federal organization of energy research and development?

110. From your standpoint, what have been the long-term effects of section 203 upon relations between the academic community and the Department of Defense?

111. Please describe the research now funded by the DoD and its constituent departments and agencies at universities and compare it with the situation in FY 1970 at the outset of the application of section 203. In particular, what from your standpoint, are the notable differences in purpose, level and subject matter?

Mr. MANSFIELD. May I express the hope that the Secretary of Defense, not Admiral Peet but the Secretary of Defense, would respond to my letter of February 26, 1974, and to the letter sent with the unanimous approval of the Commission dated April 26, 1974. So I make that request of the Secretary of Defense.

## APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BIDEN). The Chair, on behalf of the Vice President, pursuant to Public Law 84–944, appoints the Senator from New York (Mr. BUCKLEY) to the Senate Office Building Commission in lieu of the Senator from Oregon (Mr. PACKWOOD), resigned.

## A GALLIC REMEMBRANCE OF D-DAY—1944

Mr. MANSFIELD. Mr. President, a unique event has occurred in this city, and that event refers to echoes of a war gone by, of some hundreds of French men and women who come to visit us on the 30th anniversary of the envasion of Normandy; who came with flowers in their hands and thanks from their hearts; who showed an appreciation for a day, perhaps days, perhaps a week, for what occurred 30 years ago on the Normandy beaches.

They showed up en masse at Arlington Cemetery to pay their deepest respects at the Tomb of the Unknown Soldier, and to show their appreciation for what Americans and others did 30 years ago.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. Mr. President, I request 2 more minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. MANSFIELD. They were led by their distinguished ambassador, the Honorable Jacques Kosciusko-Morizet, who was with them at the Tomb of the Unknown Soldier and who participated in the commemoration of that event.

Very few of these French men and women knew who the American soldiers were, because most of them were there the day and gone the next. They had business to do, grim business, and many of them never came back, but at least they brought some hope to the French and to us on that day.

I want to say to the French, through their ambassador and to them personally, to those who came over with flowers in their hands, understanding in their thoughts, and thanks from their hearts, that we appreciate their remembering. We hope that what happened 30 years ago does mark the end of an era and will never again bring about the creation of any more Normandy bridgeheads.

To the French men and women and to their ambassador I say "merci."

I ask unanimous consent that the news stories in today's Star and Post be inserted in the RECORD at the conclusion of the remarks of the distinguished Republican leader.

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

Mr. MANSFIELD. On behalf of both of us.

(See exhibit 1.)

Mr. HUGH SCOTT. If the majority leader would yield——

Mr. MANSFIELD. Five minutes.

Mr. HUGH SCOTT. Mr. President, I want to associate myself with the compassionate remarks of the distinguished majority leader.

Those of us who were alive at the time, 30 years ago, of the invasion of Normandy, each has his own lively recollections of the day.

I remember with undiminished clarity the impact of the news on Americans. I was in New York, and feeling frustrated at the inability to be doing anything worthwhile. I recall I went to the Office of War Information, and there broadcast to the Spanish-speaking peoples of the world, in their language, the message of Winston Churchill announcing the Normandy invasion.

So each of us has his own recollections. But none of them can compare to those who actually were in battle and committed to armed combat at that time.

We owe them at the least the gift of our recollection and of our obligation, of our understanding of the nature of that sacrifice which was made by the French, British, Americans, Australians, New Zealanders, and all of the others who served at that time, including the Dutch, the Belgians, the Scandanavians. That

memory should not be allowed to die, and the good relationships with our countries should continue. We should build upon that memory more secure foundations for a lasting peace.

Then I hope, after all, the final and best lesson of sacrifice that men learn something from it, and learning something, commit their heads and their minds, dedicate their hearts, and seek through all the means available to them, each one, their best efforts toward the eternal best hope of mankind, a truly lasting and just peace.

I yield back the balance of my time.

EXHIBIT 1

ECHOES OF A WAR GONE BY: WITH FLOWERS IN THEIR HANDS, THANKS FROM THEIR HEARTS

(By Henry Mitchell)

The French had been having a hard time with lost luggage and transportation arrangements and the general strangeness of our country, but they stood still and straight yesterday morning at Arlington National Cemetery.

Seven hundred of them were in the first waves of a flowery invasion of American shores to commemorate that other invasion, 30 years ago Thursday, in which Allied forces invaded Normandy to begin the collapse of Hitler's Germany.

Some of those present were farmers, whose sad and quiet life out from St. Lo or Bayeux was terrified by the thundering guns of Omaha Beach. Terrified and exalted at the same time.

The Americans lost 6,000 men the first day of those landings, and the French have not forgot it. "It is a heart affair," said Mme. Yvonne Malfroy, one of the few English-speaking representatives of the long-memoried French. "They want to say thanks for all what they did on D-Day."

For those were not the days of French glory that De Gaulle was so proud of. After the fall of France, when the Germans swept through the Ardennes and into Paris and the French could do little more than gaze at the invincible tanks, De Gaulle was reduced to a plea:

"I ask you to believe me when I say the cause of France is not lost. . . . This war is not limited to our unfortunate country. The outcome of the struggle has not been decided by the Battle of France."

De Gaulle was right. The outcome was not decided by the Battle of France at all, but by the fortunate presence of the English Channel, a glorious tank-trap as somebody once said to Churchill. And the fate of France hung also on English, Russian and American arms. Men in boats and men off farms, who could not pronounce St. Denis right, saved France.

To the French, the Normandy landings of 30 years ago were not merely a dirty job that needed doing, nor a means to ending a war that had gone on too long. For the French, it was salvation, the resurrection of French national life and breath.

So here they were, remembering, and laying white and blue flowers at the Tomb of the Unknowns at Arlington.

The French ambassador said a few words; the French and American anthems were played, and the crowd wandered back toward its buses. On the way, many stopped at the graves of John and Robert Kennedy. "Pardon," said a man in a beret, moving up to shoot films of the grave.

The yellow sedum was in bloom between the rocks around the grave, and the Frenchman seemed to be focusing on it.

A small man with war decorations on his middleaged chest did not speak English, but he was studying, nevertheless, an inscription near Robert Kennedy's cross:

"In our sleep, pain that cannot rest falls drop by drop upon the heart; and in our despair, against our will, comes wisdom through the awful grace of God."

After he had got whatever he could from that, he moved on.

Arlington is, to many Americans, holy ground and the French, most of whom had never left France before in their lives, a French guide said, knew this. They put out all their cigarettes before walking by the dead.

One *acien combattant*, looking at all the rows, seemed determined to capture something. You were sure, watching him, he did not know just what.

After he left the Unknowns and before he got to the President's grave, he paused almost defiantly and pointed his camera at a small stone and let his film run. Back home his children will someday wonder what is meant by:

Edward C. Grigsby III
Maryland
L 13 USNR
July 3, 1946
March 31, 1966

A middle-aged woman, who may have been an American, was talking about letters to another woman on the road down which everybody was plodding along. "He would sign it," she said in a tone that was private, "he would sign it 'My love, my only love.' "

Many of the French paused again at a low wall near the President's grave. "They can sit on the wall," said the cemetery official. No Frenchman did. "Now the trumpet . . ." some of them could begin to read, and some could not.

The tour was thought of a year or so ago by Jean Paul Roncoli and a group of citizens. Word went out through veteran's organizations, Franco American societies and the like I was one who came as an individual, paying his fare (starting at $300) for his own reasons. Some were veterans, some students, some widows, some children of soldiers. Some came by the SS France, some by Pan-Am planes, and still others will arrive Thursday in New York for commemorative ceremonies there. Altogether there will be about 1,000, a tour guide said.

"At least 65 per cent have never been outside France," said Mme. Monique Gilbert, whose business is press relations and tours. "With so many, the buses at the New York airport insisted on lumping all the luggage together, not in specific buses for various hotels. This upset many of the French, who were ready to, what-you-say, make revolution." She said most of the anxiety had subsided by yesterday, however.

In New York they will all cast flowers from the Statute of Liberty, a gift of France, into the sea.

"We worked it out how it would be if we all went to the top and threw our flowers. It would take one day and a half. So we will stand at the bottom and throw flowers into the sea," she said.

Visitors passed a pile of dead flowers from the graves (they are collected regularly so the flowers on the graves are always fresh) on the way out. The French must have thought contentedly that their own irises, like the ones Clovis put on the banners of France, were fresh on the stone tomb, tied, as anybody could plainly see, with the bright tricolored ribbon of the French.

"Some of them," Mme. Gilbert was explaining about the visitors, "are just from farms where they just get the milk out of the cows. Is that how you say it? They brought with them letters to give the mayor from other French who could not afford to come. They wish to say thank you."

[From the Washington Star-News, June 5, 1974]

"MERCI, MERCI"—A GALLIC REMEMBRANCE OF D-DAY—1944

(By John Sherwood)

Thanks. That's all they want to say.

Thanks for something that happened 30 years ago tomorrow.

Thanks to the tired American liberators who breezed through so quickly, accepting a bottle of wine, a kiss, a bouquet of flowers, and then went on to face death while the French prepared to face life once again.

About 900 French citizens have joined together for a second "Operation Overlord" to bring personal messages of gratitude to the American people.

"Somebody simply had to do something. It absolutely had to be done. It was essential that we say merci, merci, merci," says the organizer of the Washington-New York pilgrimage, Jean-Paul Roncoli.

A 36-year-old Parisian who worked nine months on the project, Roncoli's fondest memories of the D-Day Normandy invasion "is of a smiling GI who put me on the fender of a jeep for a ride through town. He looked so tired, but he smiled and smiled."

There was never really a chance to say thank you, he added. "The soldiers went through so fast. We were free, but they were not. There were more battles waiting for them."

Others agreed that it is at last time to say thanks.

The group leaves Washington for New York today, but at a reception last night at the Statler-Hilton they wanted so desperately to get the message across. They want the American people to be told why they're here laying floral wreaths and visiting mayors.

"It's like the liberation was yesterday," says the Rev. Michael Riquet, a Jesuit who spent 13 months in a concentration camp and who nearly died there after losing 70 pounds.

Now 75, he says, "We must always be friends. We have always fought side by side, in three wars. We have never fought one another. No matter what else happens, we must always remember this one fact."

He, too, regrets the swift passing of the American, British and Canadian soldiers on their way to other battles. "I never had the chance to say what I really wanted to say. They were in so much of a hurry."

Georges Mangin, Leon Roger, Joseph Frisson and Pierre Blaize, all farmers from neighboring villages in northeastern France, also felt the same way.

They were all fighters in the Resistance, and were imprisoned by the Gestapo. And they are all old enough to remember the Americans in two wars, not just one.

These farmers are by no means wealthy men, explained an interpreter, Monique Gilbert. "They have reached into their life savings to come here and do this," she said. The men could not afford to bring their wives.

The theme they struck was a familiar one:

The smiling GI was exhausted and weary of battle but with more to come. "We were the ones who should have been smiling," Frisson said. "And we were, we were. We danced in the streets.

"But these strangers smiled along with us. They came and they went so fast. It was the most beautiful day of my life. I will remember it always, like it was yesterday."

And who were they anyway, those GIs who marched through France on their way to Berlin?

"We don't know," Blaize said. "And we never will know. But we will always remem-

ber them. They know who they are, so just tell them thank you for us and that we will never forget what they did."

## DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1975

The Senate continued with the consideration of the bill (S. 3000) to authorize appropriations during the fiscal year 1975 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 of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes.

Mr. STENNIS. Mr. President, I am glad to yield 3 minutes to the Senator from California (Mr. TUNNEY).

Mr. TUNNEY. I want to thank my distinguished colleague from Mississippi for giving me 3 minutes to talk about this B–1 bomber program.

I think that probably one of the most difficult things any Senator has to do is to make a determination as to how we are going to spend our military dollars. I know I find it always terribly difficult to try to analyze the military budget and to determine which programs should be supported and which should not be supported, particularly considering the fact that I do not consider myself to have any special expertise.

I do feel that the present amendment which is concerned primarily with cutting back $255 million on B–1 funding is, in essence, killing the program.

I think we have to evaluate the B–1 bomber program upon the perspective of whether we think it is a valid program or not. This kind of an amendment, if it carries, would in my mind represent a decision by the Senate to eliminate the B–1 from our arsenal of defensive weapons. I think it would be a great mistake to support this amendment and to eliminate the B–1 bomber program.

I think it is an essential part of our "Triad" of strategic weapons, and I think if we eliminate it we are not going to have the flexibility that we need in our defense posture.

I, perhaps, am somewhat prejudiced, having been a member of the U.S. Air Force. But I recall the fact that in the late 1950's and in the early 1960's there were those who were saying that the B–52 bomber was out of date, it was old, and we ought to have a follow-on bomber if we want to have a bomber in our defense system.

Thirteen years later, the B–52 bomber is even older, and it has undergone a tremendous amount of metal fatigue as a result of intensive bombing in Southeast Asia. It is going to have to be replaced soon; otherwise we just will not have a bomber.

I think a strategic bomber is necessary. I am conscious of the fact that back at the time when I was in the Air Force, we had a situation with Cuba in which President Kennedy decided that we were not going to allow the Soviet Union to put strategic missiles into Cuba, and we were going to face them down.

I recall going up to March Air Force Base one morning and seeing the B–47's taking off from the base, and I knew there was an alert on. When we got to the base, we did not know what it was all about. We were told we had to listen to the President talk about midday, that every officer and enlisted man was expected to be by a television set.

We did listen, and we learned that the President had decided he was going to call the Russians' bluff. I recall being in that area down by the headquarters where they were discussing what the various alternatives were for our bomber wing. I recall that they were at that time already over the North Pole, and they were being refueled. The Russians knew they were over the North Pole, and they knew the nuclear weapons were in those bombers, and that if they tried to pull anything, those bombers would strike at Soviet cities.

I cannot help but believe that that represents a much better deterrent than having a man sitting in a silo somewhere with his hand near a button, waiting for a Presidential order to fire off a long-range strategic missile.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield the Senator 1 more minute.

Mr. TUNNEY. I cannot help but feel that the gesture of having those strategic bombers take off and rendezvous with their tankers over the North Pole is a much stronger gesture than having the President say, in simple words, that if we are faced with an effort by the Soviet Union or any other potential enemy to make us back down in matters of our vital strategic interests, he is going to order intercontinental ballistic missiles to be fired.

Dr. Bisplinghoff's panel (an Air Force appointed panel of over 30 experts directed to review technical and management aspects of the B–1 program) found that no major technical problems existed which would preclude the successful development of the B–1. We should also keep in mind that the Bisplinghoff report found that the B–1 "looks like a good design, in the sense of being able to execute the mission assigned to the aircraft."

We must also consider the economic effects of the B–1 program. A gross investment of $13.6 billion during the life of the program could generate a rise in the GNP of approximately $37 billion, which in turn would be a function of over 60,000 aerospace jobs and over 100,000 supporting jobs throughout the country. Workers thus employed could return, in the form of taxes, approximately $7 billion to the Federal Government and an additional $4 billion to State and local governments. These tax dollars can be used to fund such vital domestic needs as schools and hospitals.

I believe some prudent cuts can and should be made in the fiscal year 1975 defense budget. But I believe cutting back the B–1 program would be an unwarranted weakening of our deterrent posture.

Mr. President, I ask my colleagues to join with me in defeating the amendment offered by my distinguished colleague from South Dakota.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TUNNEY. Mr. President, I thank the Senator from Mississippi for yielding me the time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I have only 2 minutes left. I think the proponents should have the privilege of closing. I suggest that the Senator take his time, and I will yield back the 2 minutes.

Mr. McGOVERN. I thank the Senator.

Mr. President, I yield myself 5 minutes.

Just by way of summary, there are two aspects of this amendment, and both sides of the amendment ought to be considered as we near a vote.

It provides, first of all, for an independent analysis of the proposed B–1 bomber as over against various other options.

I would like to stress that while the amendment makes that study mandatory, it is also clearly in line with what the committee itself recommended. The only difference is that the committee is urging the Secretary of Defense to set in motion such an independent study, and the amendment would make it mandatory.

It would seem to me, if Congress is going to discharge its proper obligations in maintaining close supervision over these costly programs, that any argument that could be made in favor of this recommendation would also support the thrust of the amendment, which is to make it mandatory.

Second, the amendment slows down the proposed development schedule on the B–1 bomber. I would like to say, in response to some of the points that have been made here on the floor, that it does not kill the B–1 bomber. I have serious questions about this program; in fact, I do not really expect to see us move ahead on the B–1 as a major part of our weapons systems, but in any event, this particular amendment does not kill the program. It takes some of the money out of it and slows it down, but it does provide some $200 million for continued research and development on the B–1 bomber, and then gives us a little more time to make a judgment as to whether we want to proceed beyond that authorized expenditure.

Beyond that, the amendment does not challenge the specifications or the claims which the designers of the B–1 bomber have made.

Much of the argument against this amendment seems to me to be wide of the mark. We are not suggesting that the B–1 is not going to achieve what its designers say it will achieve. What has been the major thrust of the argument made by those of us who favor this amendment is that even if the B–1 bomber does everything that its designers and its architects claim, it is still an unnecessary addition to our defense system.

Neither does this amendment chal-

lenge the role of bombers as such in our national defense strategy. As a matter of fact, the Senator from Wisconsin (Mr. PROXMIRE) and I, with others, have argued that it is necessary for us to maintain the bomber in our defense system as a part of the so-called triad; but it is our contention that we have capable, efficient, effective bombers in numbers several times beyond our potential adversaries, and that we do not need to add further to that capability. The B–52 and the FB–111 that we have referred to repeatedly here today are capable of operating through the 1980's. This is not the judgment of the proponents of this amendment; it is the judgment of the Air Force themselves, and those who have testified on our aircraft capabilities.

So I am very hopeful, Mr. President, that with these facts in mind the Senate will see fit to accept the amendment.

What we are recommending in reference to the cost-effectiveness study very closely parallels the recommendation of the General Accounting Office in the report they released on April 17 of this year. Their report was entitled "Study of Alternative Courses of Action for the Strategic Manned Bomber."

They are not recommending that the bomber be phased out as such, but they are saying that we look at a number of different options. One of those is the B–1. Another is the continuance of the B–52/FB–111 combination.

Another is a redesigned B–52, with new engines. That would be called the B–52–I.

Still another option is a stretched version of the FB–111, to be known as the FB–111–G.

The General Accounting Office, on the basis of their studies to date, have reached a number of conclusions that I think Senators ought to keep in mind. They say, first of all:

The deterrence mission can be accomplished, in varying degrees, by any one of the systems analyzed.

In other words, we are not at the point of no return here today on this decision to slow down the development of the B–1 bomber. We are simply slowing down one of several different options that may be open to us if we do not go so far down the road on this one that it becomes difficult to turn back.

Mr. President, in view of the shortness of time, I ask unanimous consent that some additional material I have prepared on the need for an independent cost-effectivenes study be printed in the RECORD at this point.

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

B–1 BOMBER—COST-EFFECTIVENESS STUDY

The second half of amendment number 1346 calls for a comprehensive and independent new cost-effectiveness study of strategic air options.

On this portion of the amendment, it is pertinent to quote from the report on S. 3000 by the Committee on Armed Services:

"In conclusion, the Secretary of Defense is encouraged to direct that a comprehensive cost-effectiveness study be conducted with the option of including participation by the General Accounting Office and independent technical, financial, and management experts. This should include consideration of all other alternatives to the B–1 in preparation for such an eventuality if it should become necessary."

Under my amendment that recommendation of the Committee would become a requirement.

This is also in line, although somewhat broader, than the recommendation of the General Accounting Office in the report they released on April 17 of this year. Their report was entitled, "Study of Alternative Courses of Action for the Strategic Manned Bomber", and it covered the B–1, the present B–52G and H and FB–111 combination, a re-engined version of the B–52 designated the B–521, and a stretched version of the FB–111, known as the FB–111G. They reached the following conclusions:

The deterrence mission can be accomplished, in varying degrees, by any one of the systems analyzed.

The B–1, if it meets projected performance goals, shows the most advanced operational capabilities in range, payload, electronic countermeasures, and survivability.

Total production costs for the projected B–1 fleet will significantly exceed the production costs of other options.

A current cost-effectiveness analysis, using realistic models of bomber penetration on a force-level basis, is needed to understand better the relative merits of the available options.

Further, the GAO stressed that the assumptions and methodology of a new cost-effectiveness study should be subject to review by the Armed Services and Appropriations Committees of both the House and the Senate.

The Committee and the GAO have recommended two departures from the standard procedure on cost-effectiveness studies. I think both are absolutely vital.

One is that it should involve independent expertise. I frankly think the Air Force will be hard-pressed to come up with the kind of an objective analysis we need to make a prudent decision on this program. It is no secret that they desperately want the B–1. That does not mean they are going to be dishonest about it. But they have already reached their conclusion. I think we must do what we can to assure an open-minded evaluation.

The other requirement, that the assumptions and methodology be reviewed in advance by the Congress, is equally important. And we believe that we have to require it, for the Air Force has specifically rejected the GAO recommendation on this score.

The amendment includes on this score a requirement that the appropriate Congressional committees have a chance to look at the plausibility of the mission profiles, and that is something that needs to be highlighted. The specific missions for this aircraft will have an obvious and overriding bearing on whether or not the various options would be cost-effective. And it is obviously possible to define missions to fit the B–1 exactly.

In fact, I believe that is being done now.

The Air Force has made its own comparison of the B–1 and the FB–111G. Not surprisingly, it came out in favor of the B–1. The problem with the FB–111 from the Air Force point of view is that it would not have enough payload capacity to reach as many targets in the Soviet Union as the B–1.

But how many targets do we have to destroy?

If we regard the strategic bomber as a weapon for destroying soft targets—population centers and industry—then the FB–111G should be quite suitable. There are fewer targets of that kind than there are hard targets such as missile sites. The FB–111 could reach a minimum of 70 percent of them with refueling, and each aircraft can carry enough SRAM's to reach several targets.

But the Air Force sees another role. It views the B–1 as a counterforce weapon, to knock out Soviet ICBM's on the ground. And that is one role that begs for careful review.

The thesis is that in initiating nuclear war the Soviet Union may fire some of its missiles at military targets—including ICBM and SLBM launchers—and that others would be held back for a possible later attack against American population and industrial centers. American bombers, it is argued, would be uniquely capable of flying over the Soviet Union before the attack on population comes, to spot and strike ICBM's which have not yet been fired.

But for several reasons, the counterforce scenario is wholly unrealistic. While flying at altitudes of under 1,000 feet to escape detection, and at high subsonic speeds, it is doubtful whether the crews could see enough to distinguish between loaded and empty missile silos.

Further, if the Soviet Union did adopt such a scenario, they would likely fire their most accurate missiles—their ICBM's—in the first round against hardened military targets, and hold back SLBM's which, because they are less accurate, are better suited for striking population and industry. The B–1 would not be useful against SLBM's.

Finally, and most decisively, there is hardly any reason to believe that Soviet commanders—knowing that the B–1's were on their way to attack retained ICBM's—would continue to retain them for the necessary four to six hours. Indeed, any professed capability to degrade their weapons in less than total war is probably the best way to guarantee that nuclear war, if it comes, will in fact be total.

Remember also that these bombers have flight times of four to six hours from their most advanced alert positions, and at least eight hours—even for the supersonic B–1—from their bases here in the United States. ICBM's and SLBM's cover the same distance in thirty minutes or less. By the time any of these counterforce missions could be carried out, there could have been at least eight successive salvos of missiles, four on a side and each answering the one before.

I think this scenario exceeds the reach of the most lively imagination. Yet it bears with decisive weight on the cost-effectiveness of various bomber options. Certainly it deserves the most critical examination by the Congress.

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THE B–1—CONVENTIONAL ROLES

The one obvious attribute strategic bombers have that missiles do not is the fact that they can be used in conventional wars. At least publicly, no one has suggested replacing nuclear warheads on ICBM's or SLBM's with conventional bombs and launching them against, say, insurgents operating in Cambodia or in the Philippines. For one thing, it would be outlandishly expensive. But B–52's armed with conventional bombs were used throughout the Vietnam conflict, and they inflicted massive damage. Hundreds of conventional bombs were used to literally demolish target boxes the size of several football fields. In their one planned penetration of North Vietnamese airspace in late 1972, "Operation Linebacker," B–52's flew some 730 sorties and were credited with knocking out four-fifths of North Vietnam's electric power capacity and one-fourth of its petroleum supplies in a space of just eleven days.

The strategic bomber is unquestionably a formidable conventional weapon. But the discussion cannot end there. With specific reference to the B–1, the real question is, if the B–1 program cannot stand on its primary nuclear mission, is its incremental value in possible non-nuclear conflicts sufficient to warrant its enormous costs?

First, it must be noted that since World War II the United States has only once

used heavy strategic bombers over defended targets in a conventional war. In Korea, the high altitude tactical bombing environment was so hostile due to Soviet-manufactured antiaircraft weapons and MIG fighters that neither our first-line strategic bomber of that era, the B–47, nor its predecessor, the B–36, were used. The aging B–50 was employed, but it was restricted to night missions because daylight losses became prohibitive.

Throughout Vietnam, up until "Operation Linebacker," B–52 missions were restricted to undefended areas in South Vietnam, in this case because North Vietnam was defended with Soviet SA–2 surface-to-air missiles. And when B–52's were finally ordered north, 15 were shot down and many more were disabled in only 11 days of bombing.

The experience of "Operation Linebacker" does not suggest that strategic bombers cannot perform their nuclear mission. The SA–2 is by no means a primitive missile; on the contrary, it is most effective against high flying aircraft, and the B–52's attacking North Vietnam were coming in at high altitudes, using few or none of the counter measures which would be employed in nuclear war. Further, although 15 bombers were shot down, the loss rate was only about three percent. In a nuclear war there would be just one mision, not repeated sorties in which our aircraft would be repeatedly exposed to attack. Considering the incredible destructive power in every aircraft, a 97 percent penetration rate in a nuclear war would be very high indeed.

But the experience does suggest that if for economic reasons alone, it makes little sense to rely in conventional wars upon bombers that are designed for long range nuclear missions. Because they are built for long range, high payload operations, they will inevitably be less maneuverable and more vulnerable than their contemporaries in the fighter-bomber class. So if the B–1 will be highly capable compared to today's strategic bombers, it will nonetheless be cumbersome compared to even today's fighters and fighter-bombers, let alone more advanced tactical aircraft that will be in the force in the same time frame as the B–1.

Further, in conventional war, the prudent strategy is to increase the number of aircraft the defense must intercept, not to concentrate more and more offensive power in a single extremely expensive aircraft which can be knocked out by a single surface-to-air missile. The wise strategist wants to increase the number of targets, not cut them down.

The economic and vulnerability arguments can both be best made through some comparison.

Had B–52's flown continuously over North Vietnam at the same loss rate experienced in "Operation Linebacker," we would have lost the entire B–52 force assigned to Southeast Asia in about 90 days time.

Alternatively, had 15 B–1's been shot down over North Vietnam, we would have lost nearly $1 billion worth of airplanes in eleven days.

An SA–2 Guideline missile site such as those used in North Vietnam represents an initial investment of around $6 million, including six missiles and launchers plus the radar complex. But the launchers can be reloaded indefinitely, with missiles costing $70 to $80,000. In Vietnam those missiles were knocking out B–52's that cost $8 to $10 million apiece—more than 100 times as much.

The B–1 could have avoided the SA–2 missiles, since they are designed to intercept at high altitudes. But the low altitude SA–3 could be at least as effective against the B–1 as the SA–2 was against the B–52. And SA–3's cost less—$40 to $50,000. The current estimated B–1 cost, $61.5 million—is 1,230 times as much as the SA–3. Even counting site costs and assuming relatively low kill ratios, the economics come down hard on the side of the defense.

Further, by the time the B–1 is operational it is possible to envision a small, cheap surface-to-air missile that could be fired by hand and still be very effective against low flying bombers.

So it is clear that when posed against probable conventional defenses, and when compared to other aircraft which are being designed and built exclusively for tactical missions, the long range strategic bomber is at an overwhelming disadvantage in a conventional war environment—except in rare cases when it would be sent against undefended targets. If these strategic bombers are deemed essential to the deterrence of a nuclear war which could completely destroy America in a matter of minutes—and that, after all, is their main justification—then surely no responsible commander would suggest risking them in a conventional conflict such as Vietnam.

Mr. McGOVERN. Mr. President, one of the things that is important——

The PRESIDING OFFICER. The Senator's 5 minutes have expired. The Senator has 2 minutes remaining.

Mr. McGOVERN. Mr. President, I reserve the remainder of my time.

Mr. BUCKLEY. Mr. President, the amendment under consideration would reduce funding for a program which is already on the road to completion, the B–1 strategic bomber. This amendment represents a classic form of opposition to a program which substitutes the proposal of endless delays through "studies" for a frontal attack on the merits, merits which in this case have already commended themselves to substantial majorities in the Congress time after time.

The B–1 bomber is the component of our strategic forces that is most adaptable to the broadest range of strategy, from the rigid assured destruction of targeted civilians under the McNamara regime to the more humane flexible target of the incumbent Secretary, James R. Schlesinger. The B–1 bomber is designed to have enhanced survival under the most formidable preemptive attacks believed to be technically feasible by any sophisticated opponent; attacks were not envisioned during the period when the B–52 bomber was initially designed in 1948.

It is clear that the United States requires a new bomber to replace the B–52, which is now 25 years old in terms of its design philosophy. We need a new bomber which reflects the current generation of American security requirements. These requirements include a smaller radar cross-section to reduce its visibility to the massive Soviet air defense system, better performance at low altitudes—the B–52 is named the "Strato Forces," because it was designed to operate in the stratosphere above 36,000 feet—the only reliable altitude at which a modern aircraft can penetrate high quality defenses. The B–1 bomber is the only aircraft we can deploy before the mid-1980's that meets the requirements of functionability and the ability to perform in the current and expected threat environment. Because of the need to maintain pilot proficiency, the B–52 bombers must be flown regularly. At present rates, the B–52's will have made or exceeded their anticipated useful life. Failure to deploy a modern aircraft by the early 1980's will simply result in the unilateral disarmament of a major component of the U.S. strategic forces without a corresponding effort to replace the capability loss.

Moreover, the Soviet Union has displayed no lack of interest in strategic bombers. They have maintained a force of approximately 150 heavy bombers. In addition, the Soviets are displaying a new intercontinental refuelable strategic bomber known as the Backfire. They continue to maintain Arctic staging bases for 700 medium Badger and Blinder bombers all capable of reaching North American targets. Lest anyone have any doubt of the efficacy of these "one-way-plus" missions where the Soviet bombers could seek refuge in friendly areas such as Cuba, one need only look at the Doolittle raids on Tokyo in 1942. In addition, the Soviets may be working on the development of a new heavy, high altitude bomber at the Sukhoi Design Bureau.

The need for a new bomber is unambiguous and I deplore the inadequate number which we intend to purchase, and the reluctance to expend the amount of funds necessary to deploy this needed element of our strategic force at the earliest possible date. Our security requires that we do no less.

Mr. CRANSTON. Mr. President, I firmly believe that development of the B–1 manned bomber is in the best interest of the Unted States, and that to delay or discontinue this needed program would be a serious and costly mistake.

Mr. President, I support continuation of the B–1 project for three very basic and important reasons: First and foremost, the B–1 is a strategic necessity.

Second, the B–1 is our best option for a strategic manned bomber.

And third, the actual increase in program cost of the B–1 is being exaggerated. I believe it can be shown that B–1 costs are not becoming prohibitive.

Let us discuss each of these reasons in greater detail.

First, strategy. Our present defense rests on a triad of strategic forces. Along with land-based ICBM's, and submarine-launched ballistic missiles, the manned bomber is a pillar of the American defense posture.

When we discuss the B–1, we can talk about a number of peripheral issues, but ultimately we must get down to brass tacks. The basic question is "Do we," or, "do we not, want to continue the manned bomber concept as a major part of our defense posture?" I believe that our answer must be "yes."

I strongly believe that a manned bomber—a modern one of the caliber and capability of the B–1—is vital to our continued flexibility in deterring and reacting to a potential attack.

I cannot accept the arguments of those who would have us believe that a manned bomber is anachronistic in this era of space-age sophistication.

A manned bomber can be used in ways short of actual nuclear or even conventional war. A bomber, for example, can be put on alert, or sent to a particular area, as one means of signaling our intentions to a potential aggressor.

This kind of signaling—posturing, if you will—was successfully used with

naval weapons in the Cuban missile crisis—and again with a general military alert during the October war of last year. In each case we were able to communicate our resolve without actually resorting to the use of force.

I contend that a manned bomber gives us that option in other, perhaps unforeseen circumstances. It is difficult to envision missiles being successfully used in this manner.

I am not talking about provocative saber rattling, but the judicious use of a show of will as one means of defusing a potential conflict situation.

Missiles cannot be used in this way. And moreover, they cannot be recalled once launched. A manned bomber can be recalled. And the importance of this fact should not be underestimated. The ability to recall manned bombers might well mean the difference between crisis-resolution and holocaust.

No analyst can predict with absolute certainty what will be the complexion of the international political system in the 1980's and beyond. In the last several months, we have seen the international political system—including a number of its most important member states—reeling from new developments which would have seemed quite impossible only a short time ago.

Western Europe, Japan, and even the United States have had to confront the shock of major new developments in the international sphere.

The oil producing nations have become—in effect—economic superpowers of a sort. India has developed a nuclear capacity. Who can say what kind of a world we will live in, in 1980, or in 1990?

I contend that we must prepare for contingencies by retaining flexibility in our defense posture. The B–1 manned bomber gives us that flexibility.

The manned bomber concept should be retained. It is a vitally important pillar of our mixed strategic forces triad.

Given the strategic necessity for a manned bomber, opponents of the B–1 are still justified in asking, "Is the B–1 the best we can get for our money?" "Can we not rely on the B–52, or substitute some other plane, perhaps the FB–111?"

My answer, Mr. President, is that the B–1 is the best buy available for dollars spent.

The B–52 is a product of an earlier age. It simply cannot meet the more sophisticated needs of the 1970's and beyond. It can neither travel as far—nor carry the amount of sophisticated electronics which future needs will require. It would be a mistake to continue to rely on the B–52 as the manned bomber component of our defense triad. The B–52 met our past needs, but it cannot be expected to meet our future needs.

What about the FB–111? Is it an acceptable alternative to the B–1?

I think the facts speak for themselves, Mr. President.

On all important criteria, the FB–111 falls short of the B–1. It takes six FB–111's to carry the same payload as a single B–1.

Moreover, the B–1 can penetrate one and one-half times as far as the FB–111G, at the same speed at low altitude. The B–1 can deliver four times as many air-to-surface missiles.

The B–1 survivability and weapon-delivery capability is enhanced by two additional crewmen who can devote their time exclusively to a much greater amount of sophisticated avionic equipment than the FB–111 can carry. This electronic equipment allows for greater pinpoint navigation, electronics countermeasures, and accurate weapons delivery.

I believe it is clear, Mr. President, that buying more FB–111's—even the stretched FB–111G version—is a sure way to end up spending much more money for considerably less target coverage and capability.

The B–1 is a full-fledged strategic bomber with complete capabilities. As such, the B–1 both better serves our defense needs, and is a better buy for our tax dollars.

Third—and finally, Mr. President, I would like to look at an issue which has recently become a source of increased controversy: The cost of the B–1. Is it becoming prohibitive?

This is an issue which deserves careful attention. And I believe, Mr. President, that a close look at the figures shows that B–1 costs are not—in fact—becoming extreme.

Let us examine those costs.

Two sets of figures are most relevant: Those for estimated total program unit cost—and those for procurement unit cost.

The total program unit cost includes funds for research, development, testing, and evaluation. Figures are USAF March 1974 estimates.

In 1970, the total program unit cost—again including R.D.T. & E.—was estimated at $40.1 million, excluding allowance for inflation.

The current estimate of total program unit cost—again if we eliminate inflation—is $45.4 million.

That is an increase of $5.3 million, or 13.2 percent.

These increased costs reflect certain improvements in the aircraft, as well as development of two more prototypes.

I do not believe this constitutes a massive or unreasonable jump in total program unit costs. In fact, it is a rather better record than many other weapons systems.

The figures for procurement unit cost elements tell a similar story. If we exclude inflation, the procurement unit cost estimate has increased by 9.4 percent since 1970. That, again, is not an unreasonable jump.

Yet if we examine the impact of inflation, we see that the current estimate in 1975 dollars, allows $7.7 million for inflation, in the total program unit cost.

And the current estimate for 1985 "then-year" dollars allows $16.5 million for inflation, again in the total program unit cost.

Clearly, Mr. President, it is inflation which is the ogre in this scenario, and not the B–1. It is inflation which has accounted for the major part of any increase in the cost of the B–1.

And while we must attend to the evils of inflation, I do not believe that we should sacrifice a needed component of our defense posture simply because inflation has added to its cost in inflated dollars.

So, Mr. President, for the reasons I have outlined, I oppose adoption of amendment No. 1346, offered by the distinguished Senator from South Dakota.

The manned bomber concept remains an important part of our defense posture triad. Without a sophisticated manned bomber with full capabilities, our defense flexibility would be seriously impaired.

It can be clearly demonstrated that the B–1 is the best bomber we can get for our tax dollars. To attempt to substitute for the B–1 would end up costing us more, while giving us significantly less.

And finally, I think it can be shown that it is inflation which has accounted for the major part of any increase in the program cost of the B–1. Actual increases in program costs are not unreasonable, and reflect needed improvements in the program itself.

Mr. STENNIS. Mr. President, I am willing to yield back what time I have remaining if the Senator is, and we suggest, just submit the case now.

Mr. McGOVERN. Mr. President, I think we have made the major points that need to be made on this argument, and if the Senator is willing to yield back the remainder of his time, I will yield back what remaining time I have.

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

The PRESIDING OFFICER (Mr. HATHAWAY). All time has now been yielded back on this amendment.

The question is on agreeing to the amendment.

Mr. GOLDWATER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, the yeas and nays have already been ordered, have they not?

A parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. What is the pending matter now before the Senate?

The PRESIDING OFFICER. On agreeing to the amendment of the Senator from South Dakota (Mr. McGOVERN), No. 1346.

Mr. STENNIS. No motion to table is involved. This is a straight up-and-down vote, is that not correct?

The PRESIDING OFFICER. The Senator is correct. It is a straight up-and-down vote.

Mr. STENNIS. I thank the Senator very much.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 1346 of the Senator from South Dakota (Mr. McGOVERN).

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 Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), the Senator

from Utah (Mr. Moss), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

The result was announced—yeas 31, nays 59, as follows:

[No. 227 Leg.]

YEAS—31

| | | |
|---|---|---|
| Abourezk | Haskell | Metzenbaum |
| Bayh | Hatfield | Mondale |
| Biden | Hathaway | Muskie |
| Brooke | Hughes | Nelson |
| Burdick | Humphrey | Pell |
| Case | Javits | Proxmire |
| Church | Kennedy | Randolph |
| Clark | Mansfield | Stevenson |
| Eagleton | Mathias | Williams |
| Gravel | McGovern | |
| Hart | Metcalf | |

NAYS—59

| | | |
|---|---|---|
| Aiken | Domenici | Nunn |
| Allen | Dominick | Pastore |
| Baker | Eastland | Pearson |
| Bartlett | Ervin | Percy |
| Beall | Fannin | Ribicoff |
| Bellmon | Fong | Roth |
| Bennett | Goldwater | Schweiker |
| Bentsen | Griffin | Scott, Hugh |
| Bible | Gurney | Scott, William L. |
| Brock | Hansen | Stennis |
| Buckley | Helms | Stevens |
| Byrd, Harry F., Jr. | Hollings | Taft |
| Byrd, Robert C. | Hruska | Talmadge |
| Cannon | Jackson | Thurmond |
| Chiles | Johnston | Tower |
| Cook | Long | Tunney |
| Cotton | Magnuson | Weicker |
| Cranston | McClellan | Young |
| Curtis | McClure | |
| Dole | McIntyre | |
| | Montoya | |

NOT VOTING—10

| | | |
|---|---|---|
| Fulbright | McGee | Stafford |
| Hartke | Moss | Symington |
| Huddleston | Packwood | |
| Inouye | Sparkman | |

So Mr. MCGOVERN'S amendment No. 1346 was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. NUNN) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 724) for the relief of Marcos Rojos Rodriguez, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2844) to amend the Land and Water Conservation Fund Act, as amended, to provide for collection of special recreation use fees at additional campgrounds, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 10626. An act to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands in Florida to John Carter and Martha B. Carter;

H.R. 12427. An act to amend section 510 of the Merchant Marine Act, 1936;

H.R. 13296. An act to authorize appropriations for the fiscal year 1975 for certian maritime programs of the Department of Commerce; and

H.R. 13595. An act to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes.

## ENROLLED BILLS SIGNED

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

H.R. 6979. An act for the relief of Monroe A. Lucas; and

H.R. 14013. An act making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes.

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

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 10626. An act to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands in Florida to John Carter and Martha B. Carter. Referred to the Committee on Interior and Insular Affairs.

H.R. 12427. An act to amend section 510 of the Merchant Marine Act, 1936;

H.R. 13296. An act to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce; and

H.R. 13595. An act to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes. Referred to the Committee on Commerce.

## DEPARTMENT OF DEFENSE SUPPLEMENTAL AUTHORIZATION FOR APPROPRIATIONS, 1974—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at this time to take up a conference report on the Department of Defense supplemental authorization for appropriations, with a time limitation of not to exceed 5 minutes in considering it.

Mr. STENNIS. I thank the Senator. I think it can be disposed of in less time than that.

Mr. President, I submit a report of the committee of conference on H.R. 12565, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HATHAWAY). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12565) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and other weapons and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees, as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—PROCUREMENT

SEC. 101. In addition to the funds authorized to be appropriated under Public Law 93–155 there is hereby authorized to be appropriated during fiscal year 1974 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and other weapons authorized by law, in amounts as follows:

Aircraft

For aircraft: for the Army, $15,000,000; for the Navy and the Marine Corps, $201,200,000; for the Air Force, $187,800,000.

Missiles

For missiles: for the Army, $76,600,000; for the Navy, $17,000,000; for the Marine Corps, $22,300,000; for the Air Force, $39,000,000.

Naval Vessels

For naval vessels: for the Navy, $24,800,000.

Tracked Combat Vehicles

For tracked combat vehicles: For the Army, $63,400,000.

Other Weapons

For other weapons: For the Army, $8,200,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. In addition to the funds authorized to be appropriated under Public Law 93–155, there is 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 $35,898,000;

For the Navy (including the Marine Corps), $38,528,000,

For the Air Force, $29,466,000, and

For the Defense agencies, $5,991,000.

TITLE III—MILITARY CONSTRUCTION

SEC. 301. In addition to the funds authorized to be appropriated under Public Law 93-166, there is hereby authorized to be appropriated during the fiscal year 1974, for use by the Secretary of Defense, or his designee, for military family housing, for operating expenses and maintenance of real property in support of military family housing, an amount not to exceed $3,866,000.

SEC. 302. Authorizations contained in this title shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1974 (Public Law 93-166), in the same manner as if such authorizations had been included in that Act.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No volunteer for enlistment into the Armed Forces shall be denied enlistment solely because of his not having a high school diploma.

SEC. 402. This Act may be cited as the "Department of Defense Supplemental Appropriation Authorization Act, 1974".

And the Senate agree to the same.

JOHN C. STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
HOWARD W. CANNON,
STROM THURMOND,
JOHN TOWER,
PETER H. DOMINICK,
*Managers on the Part of the Senate.*

F. EDWARD HÉBERT,
MELVIN PRICE,
O. C. FISHER,
CHARLES E. BENNETT,
SAMUEL S. STRATTON,
WILLIAM G. BRAY,
LESLIE C. ARENDS,
BOB WILSON,
CHARLES S. GUBSER,
*Managers on the Part of the House.*

Mr. STENNIS. Mr. President, I ask the Senate to approve the conference report on H.R. 12565—the Defense supplemental authorization bill for the current, 1974, fiscal year. Senate and House conferees held two long sessions on this measure, and I believe we have approved a good report.

In money terms, the administration had requested authorizations totaling $1,257,455,000. On April 4, the House approved a bill authorizing $1,142,049,000. The Senate, on May 6, voted authorizations totaling $415,474,000. Senators will recall that many items were deleted from the Senate bill on grounds that they did not qualify for emergency consideration in a supplemental bill.

The conference bill, authorizing a total of $769,049,000 just about splits the $726,575,000 difference between House and Senate bills. The bill before you authorizes $373,000,000 less than the original House bill and $353,575,000 more than the Senate.

One major difference between the House and the Senate centered on the request for $29 million to begin construction of a support facility on the British controlled island of Diego Garcia in the Indian Ocean. The House had approved that authorization, and the Senate had rejected it.

This matter—the expansion of the Diego Garcia facilities—will come before Congress again in the regular military construction bill for fiscal year 1975.

On that basis—and without prejudice to the project—the conferees have deleted this item from this supplemental bill.

Another matter in dispute involved an amendment, proposed by the Senator from Massachusetts (Mr. KENNEDY) and adopted by the Senate. The amendment was designed to prohibit a proposed adjustment in Defense Department estimated obligations for fiscal year 1974, which could have made $266 million available for assistance to South Vietnam under the $1,126,000,000 ceiling previously approved.

The amendment was dropped from the bill itself, but the intent of the amendment is fully carried out by the statement of the conferees which is before you.

That statement says, in part:

It cannot be emphasized on the part of the conferees too strongly that the statutory ceiling of $1.126 billion enacted in FY 1974 remains unaltered and shall not be circumvented by accounting adjustments.

Another difference between House and Senate bills involved the treatment of the incremental costs of equipment purchased for our own U.S. forces to replace items taken from their inventories and sent as aid to Israel in the Middle East fighting.

The Senate bill would have required a transfer from the military assistance program (MAP) in the amount of $155.8 million to finance these incremental costs. The House authorized the appropriation of Defense Department funds for this purposes.

The House conferees argued that replacement items for U.S. forces are, for the most part, improved over the equipment sent to Israel, and the conferees finally agreed to the authorization of Defense Department funds.

The actions of the conferees on hardware items are covered in the statement of the conferees, and I will expand on only one of them, long-lead funds for the Trident ballistic missile submarine construction program.

The administration had requested $24.8 million for certain long lead-time components for the second and third new Trident submarines. Full funding of the two Trident submarines was requested in the regular fiscal year 1975 authorization bill.

The House approved the $24.8 million supplemental request.

The Senate deferred the $24.8 million without prejudice. It was my feeling that the real issue involved was the construction rate of Trident submarines and should be settled in connection with the regular authorization bill, not by supplemental action. This was my position in debate on the 1974 supplemental on May 6.

On May 17 the committee made its decision and voted to recommend authorization of full funding of the second and third Trident submarines in the regular 1975 bill. And, to be fully consistent with Senate action on the fiscal year 1974 supplemental, the committee added the $24.8 million for long lead items for the two 1975 submarines in the regular 1975 bill.

Then, on May 24 conferees met on the 1974 supplemental authorization. Senate conferees pointed to the fact that the $24.8 million was already included in the regular 1975 bill, but the House was insistent on holding their position of supplemental authorization. There was no question that the $24.8 million needed approval in one of the bills. The end result was that the Senate receded.

As I pointed out yesterday, we had the two bills out of sequence and crossing each other.

Mr. President, with approval of this fiscal year 1974 conference report, the $24.8 million in the regular 1975 authorization bill is not required and can be deleted.

Mr. President, I invite the attention of the Senate to one item—$24.8 million for certain long lead-time components for the second and third new Trident submarine. We had that matter up last year, and we had it up in part this year. This conference report reflects what had really already been done, by the bill that is now before the Senate, when we thought the supplemental would not catch up with the bill we are considering.

This is Senator MCINTYRE's program, which we advocated last year with respect to the Trident. I think it is virtually unanimously approved by all who favor the Trident. It is on the conservative side. If this report is approved, we will then move at the proper time to strike that item from the present procurement bill.

Mr. President, that concludes my statement on the fiscal year 1974 supplemental authorization report, and I urge approval.

I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of H.R. 12565 to authorize supplemental appropriations for the Department of Defense in fiscal year 1974.

The bill represents the agreements reached by the Senate-House conference meeting in executive session last week.

The administration requested new authorizations totaling $1.2 billion and the conference reached agreement on a bill totaling approximately $769 million. Therefore, the new bill is about $373 million less than approved by the House and $353 million higher than that approved by the Senate.

Several items of particular importance to the Senate were military construction on Diego Garcia in the Indian Ocean and funding levels of military aid to South Vietnam.

The House receded on Diego Garcia accepting the Senate position that this request would be considered without prejudice in the fiscal year 1975 military authorization bill. This action will permit a full inquiry into the Navy request in the approaching military construction hearings.

In the MASF or military account service funded request on military aid for South Vietnam the conference dropped the Senate amendment but included restrictive language in the report.

This language makes it clear the $266 million charged against the fiscal year 1974 ceiling but actually spent in previous years could not be shifted to allow additional spending in the current fiscal year.

Mr. President, before closing I wish to take note of the fair and objective man-

ner in which the distinguished Senator from Missouri (Mr. SYMINGTON) has handled this bill.

On balance, this is a good bill and deserves immediate approval of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

## DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1975

The Senate continued with the consideration of the bill (S. 3000) to authorize appropriations during the fiscal year 1975 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 of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes.

Mr. ABOUREZK. Mr. President, I call up my amendment No. 1372.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ABOUREZK. 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 16, line 23, add the following new subsection:

(f) No funds are authorized to be appropriated or made available under this subsection unless and until the President notifies the Congress in writing that he has received formal assurances that the Government of South Vietnam will release by December 31, 1974, all persons sentenced and imprisoned without benefit of formal court trial or defense counsel, and that all such persons and political prisoners will have restored to them their civil rights.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. ABOUREZK. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, how much time is there for each side on this amendment?

The PRESIDING OFFICER. The Chair is advised there is a 90-minute time limitation on the amendment, 45 minutes to a side.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield, and I direct this specifically to the Senator offering the amendment, 3 minutes to the Senator from West Virginia, for a special item that he has in mind before our debate begins.

Mr. ABOUREZK. Mr. President, reserving the right to object, I merely wish to ask that my staff member, Tom Daschel, be granted the privilege of the floor during the debate and vote on this amendment and one other amendment of mine.

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

The Chair recognizes the Senator from West Virginia.

## SENATOR GOLDWATER RECEIVES DEGREE FROM THE UNIVERSITY OF HARD KNOCKS

Mr. RANDOLPH. Mr. President, there are approximately 960,000 individuals who have been or in the next few days will be graduated from the universities and colleges of the United States.

Night before last there was a unique graduation ceremony in Charleston, W. Va. We have in our State a University of Hard Knocks. Each year we have a notable class of those persons, both men and women, who have not been graduated from universities or colleges. Our able and esteemed colleague, Senator BARRY GOLDWATER, is one of five Members of this body who has never received a college or university degree. The other distinguished are Senators MILTON YOUNG of North Dakota, JESSE HELMS of North Carolina, GEORGE AIKEN of Vermont, and HAROLD HUGHES of Iowa. All are men of commonsense and diligent effort.

The president of the University of Hard Knocks class of 1974 was the summa cum laude graduate (Mr. GOLDWATER), who spoke to an audience of 250 guests, including the 70 persons who received their honors this year. I imagine the school colors might be black and blue, although that was not stressed by Jim Comstock, the renowned editor of the West Virginia Hillbilly, a "weakley" newspaper with thousands of appreciative readers.

I express this deserved tribute to the Senator from Arizona and although it was in a sense a fun night, those gathered from many States, who were honored, have made worthwhile contributions to the strengths of American life.

In presenting our colleague, I made one prediction, as college yearbooks do, and that was to the effect "that BARRY will be reelected to the Senate." This prophesy, from me, is not partisan.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may respond to my colleague for 2 minutes.

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

Mr. GOLDWATER. Mr. President, I rise in humility to thank my friend from West Virginia for his remarks relative to my receiving a degree in philosophy from the University of Hard Knocks. It really is the only degree I have ever earned, although I do have a few that were given to me, and I actually did earn a master's degree, although I never received it. I have always regretted not finishing the first year in college. I might have gone on to greater things, like professional football and endeavors of that sort.

I remember one auspicious night at the University of Arizona, when another friend of mine, now deceased, a Mexican named Loas, who was president of the biggest bank in Arizona and never graduated from high school, and I were invited to confer awards on letterman night. During the introductions the old coach of the school, who has now gone to his Maker, introduced both of us. He said:

Here is Loas and he never finished high school; and here is Goldwater, and he did not finish one year in college—an inspiration to every damn bum in Arizona.

So my life has not been in vain. I appreciate receiving the degree because now when my grandchildren ask, "Papa, how come you are so dumb?" I can tell them, "I am not that dumb; I have a degree you will never get."

Mr. ROBERT C. BYRD. Mr. President, would the Senator yield?

Mr. RANDOLPH. I yield.

Mr. ROBERT C. BYRD. Mr. President, I congratulate the Senator from Arizona for graduating summa cum laude from the college of hard knocks in West Virginia. I would like my distinguished colleague to find out, in some way, as to whether I am ever going to graduate. I have striven to pass the tests from time to time. I have often had my papers returned to me unmarked and with poor marks. I have paid my tuition dutifully. I have been attending that school for a long, long time. I am sure that absenteeism has not played any part in my continuing to be put at the foot of the class.

I will say this. The Senator from Arizona graduated summa cum laude. I would settle for a degree "thank the Lordie." If my colleague would tell me how I might go about graduating, I do not care about the honors. Just get me through the school of hard knocks, so that I may become an alumnus—rather than continue to be a discouraged and mistreated enrollee year after year.

Mr. GOLDWATER. The other night during the course of my remarks I made particular reference to the majority whip and urged that he be given this degree, which he certainly has earned the hard way.

Mr. RANDOLPH. Mr. President, I am reminded now of the verse:

He worked his way through college,
As heroes often do,
And now he's back where he started,
Working his son's way through.

Yes, Mr. President, higher education, of whatever variety, is costly in this period of rampant inflation.

Mr. TOWER. Mr. President, I wish to correct one statement made by the distinguished Senator that Senator GOLDWATER graduated from the school of hard knocks. Actually his daddy owned a department store and he did not have to get an education.

## DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1975

The Senate continued with the consideration of the bill (S. 3000) to authorize appropriations during the fiscal year 1975 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 of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes.

Mr. ABOUREZK. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ABOUREZK. Mr. President, in response to a letter written by the Senator from Massachusetts (Mr. KENNEDY) on March 13, the State Department sent a point by point response to a series of 12 recommendations contained in a study mission report which was submitted to his subcommittee on refugees.

While the State Department response to Senator KENNEDY's report had a number of disconcerting statements, I believe the most troubling of all was the response to the subcommittee recommendation on the problem of political prisoners. In spite of all of the documentation which has continued to come out of South Vietnam on the issue of political prisoners, the State Department said that it "cannot agree with the study mission's assertion that 'the record is clear that political prisoners exist in South Vietnam.'"

In spite of the fact that nearly every international humanitarian organization in existence today attests to the fact that the Thieu government now holds thousands of political prisoners, our own State Department has chosen, for political reasons, to deny that they exist.

According to their "extensive evidence," they argue:

> The highly publicized charges that civilian prisoners are subjected to widespread, systematic mistreatment in the jails of South Vietnam are simply not sustained.

Well, I am one who is always allowing for some margin of error—no matter who is guilty of a miscalculation. Everyone has certain biased tendencies and shortcomings. But how in the name of justice, can they possibly have missed the thousands upon thousands of prisoners who have been identified by name in a great many cases by a number of highly respected international organizations who have been there, and whose members have seen them with their own eyes?

The unfortunate fact is that torture and political prisoners do exist, despite Ambassador Graham Martin's furious denials. They represent almost every conceivable walk of life. They are lawyers and farmers; they are government officials and businessmen; they are high school and college students and they are in prison for one common reason—they have dared to disagree with the corrupt and repressive policies which have been forced upon the Vietnamese people by the Thieu regime.

The State Department noted in its letter to Senator KENNEDY that "the Government of Vietnam's stated policy does not permit the arrest of anyone for mere political dissent." Yet, I have here a short list of prisoners who are now being held without the knowledge of what crimes they are accused of. Their only crime seems to be their outright disagreement with the policies and practices of their own government.

Mr. President, I ask that this brief list of people presently being held as political prisoners be inserted into the RECORD.

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

LIST OF STUDENTS AND INTELLECTUALS PRESENTLY HELD AS POLITICAL PRISONERS BY THE SAIGON GOVERNMENT—187 NAMES

HUE PRISON

Doan Van Long—teacher, living in Hue, arrested May 1, 1972, President of the People Front to Struggle for Peace (Hue), judged March 23, 1973 by the 1st Field Military Court, sentenced 2 years; one wife and 9 children. 48 years old, has asthma, jailed in Thua Phu (Hue).

NO NAI PRISON

Nguyen Van Dong—Professor.
Diep The Tu—High-School student.
Do Van Xinh—High School Student.

GO VAP MILITARY PRISON

Phan Thanh Huan—Student.

KONTUM PRISON

Nguyen Anh Tuan—born in 1950, son of writer Vu Hanh, arrested February 7, 1969 in his Saigon home, sentenced 20 years hard-labor as "rebel" by the 3rd Field Military Court on December 5, 1969, deported to Con Son and now in Kon Tum, serious liver sickness and lungs.

DALAT PRISON

Nguyen Van Hue—High School Student from the Committee to Demand the Right to Live for Compatriots, judged 20 years of hard labor.

Ngo Vinh Phu—High School Student from the Committee to Demand the Right to Live for Compatriots.

SAIGON POLICE HEADQUARTERS

Le Thi Xuan Huong—Student.
Do Hoang Thieu.
Ngyen Thuy Dung—Professor, born in Saigon, arrested February 24, 1974 in Saigon coming from District 5, still terribly tortured.

DISTRICT I POLICE HEADQUARTERS AT SAIGON

Huynh Ngoc Dien—3rd year of Agriculture student, was invited to the Police headquarters and arrested on March 4, 1974.

Le Van Be—3rd year of Agricultural student was arrested at midnight March 6, 1974 at Student dormitory.

Bui Lam—3rd year of Forest student was arrested at midnight March 6, 1974 with student Ie Van Be.

DANANG PRISON

Nguyen Thi Tho—born August 1, 1954 in Quang Nam, high-School student, arrested May 15, 1972 in Danang, charged with attempt to destroy State Security, not yet judged. Member of Danang High-School Student Association.

CHI HOA PRISON

Huynh Tan Mam—born in March 20, 1945, Hamlet Tan Son Hni, Gia Dinh. Was a medical student in Saigon for 5 years. Arrested in January 1972. No sentence. Prison No. 227 MTCT.

Tran Ngoc Chau—Deputy.
Nguyen Van Thuan—Engineer.

Huynh Van Sau—63 years old, prison number 383 MTCT, Catholic, father of Father Huynh Cong Minh, arrested October 20, 1972, worked for Caritas in Saigon as secretary, 2 years in jail. Liver and stomach sickness.

Nguyen Dinh Khoang—Professor.
Phan Dinh Ly—Professor.
Trinh Cong Ly—Student.

Truong Van Khue—Chairman of the Committee representative of Saigon Pedagogy student.

Buu Chi—Assistant chairman of the Movement for autonomous Universities in South Vietnam. Arrested February 1973 (after Paris Agreement).

Nguyen Duy Thong—Chairman of the Committee demanding the Right to Live for the Compatriots.

Doan Khac Xuyen—Member of the Executive Committee of the Young Catholic Workers.

Le Dai Nghiep—Student.

Luong Dinh Mai—Science student.

Nguyen Huy Diem—6 years medicine student, former chairman of the Committee representative of Medicine students, 1970–71 and 1971–72, arrested October 4, 1971; opposed the October 3, 1971 Presidential election with only one candidate. Charged with attempt to destroy State Security, prison No. 050 MTCT in 1971 and "relations with elements dangerous to the State Defense" (prison No. 561 MTCT in 1972).

Tran Huu Quang—Van Hanh student.

Van Day—Van Hanh student, arrested May, 1972.

Bui Nghi—Science student.

Phan Minh—Student.

Le Thanh Nghi—Student.

Le Van Nuoi—born on February 5, 1952 in Saigon, high school student; arrested September 22, 1971 in Saigon; still waiting to be judged; serious liver sickness. Chairman of Saigon High School students Association; prison No. 019 MTCT, cell No. 1, new dispensary (ID compound). Information from his mother Mrs. Nguyen Thi Toan.

Le Van Nghia—Chairman of the Committee to Protect a Democratic Life in Schools.

Nguyen Cong Khe—Association of Danang high school students.

Dinh Cong Hao—Association of Danang high school students.

Nguyen Cam—Association of Danang high-school students, prison No. 4674 MTLD.

Le Van Tho—Association of Danang high-school students, prison No. 4677 MTLD.

Nguyen Van Hoe—Association of Danang high-school students, prison No. 4672.

Phan Ming Phong—High-school student, from Pleiku.

Huynh Kim Dung—Science student, arrested May 24, 1972, not yet judged, charged with "gian nhan hiep dang."

TAN HIEP PRISON

Tran Thi Chiem—High-school student girl from the Association of Saigon high school students. From interrogation center C3 of Bien Hoa transferred from Tan Hiep.

Nguyen Van Me—Professor.
Pham Duc—Engineer.
Pham Trong Cau—Musician.
Mrs. Vo Thi Ty.
Tran Van Hoa—Student.
Truong Hieu Dan—Student.
Truong Hoang—Student.

Le Van Khoa—Student, arrested September 1969, sentenced 3 years. Relative: Huynh Thi Phuong, 161 Ap Trung 3, Phu Tho Hoa—Gia Dinh.

Doan Hoa Dinh—Student.

Duong Huu Phuoc—Born in 1952 in Saigon, 4 years science student, arrested November 29, 1973 on his way back from studying because elections to be held in Science, very much tortured, charged with VC activities.

Tran Duc Thanh—Student.
Nguyen Nhan—Student.
Vo Dinh Hiep—Student.

Vo Thi Bach Tuyet—Literature female student on the Committee of students and High School demanding the Right to live for the Compatriots, arrested May, 1972—transferred to interrogation center C3 of Bien Hoa.

Nguyen Thi Ngoc Lanh—Student.

Cao Thi Que Huong—Teacher. Tortured

in front of husband during first arrest in 1970, then released. Husband remained in prison, died in Chi Hoa in January, 1973. Cao Thi Que Huong arrested a few weeks later.

Nguyen Thi Man—born in 1952 in Saigon, member of the Committee to improve prisons in South Vietnam, arrested on the road to Chau Doc, on April 1968. Lung sickness, leg paralyzed, sentenced 1 year surveillance, already served 4 years. Relative Luong Thi Dinh, 33/3C Bach Dang—Gia Dinh.

Luong Kim Oanh—born on December 23, 1945 in Gia Dinh, arrested on April 14, 1972 at the checking point of Xa Cang (Gia Dinh), member of the Committee to Improve Prisons in South Vietnam—interrogation center C3 of Bien Hoa.

Tran Thi Thu Lieu—high school student, born in 1953 in Saigon, arrested in August 1971, still waiting for her sentence.

Huynh Thien Ky Duyen—Student.

Ngo Ngoc Dung—Student, Van Hanh University, Member of South Vietnam students Association—transferred to interrogation center C3, Bien Hoa. Arrested April 1968, sentenced 2 years surveillance. TB, Stomach trouble.

Nguyen Thi Lieu—High School student, Member of the Committee to demand the right to live for Compatriots. Interrogation Center C3 of Bien Hoa.

CON DAO PRISON

Nguyen Ba Kha—4 years of engineer student in Industry, born on February 16, 1945 in Dalat, arrested February 22, 1969 in Saigon, judged March 15, 1969 by the 3rd Field Military Court, 15 years of exile, deported to Con Son. Relative: Duong Thi Nguyet—Dalat.

Luc Phuong Danh—born August 19, 1946 in Gia Dinh, soldier, bachelor, arrested February 29, 1972 in the house of writer Thieu Son, prosecuted as "rebel", 7 years hard-labor, 2 years jail.

Huynh Thi Hoang—Female Doctor.
Lam Thi Xuan—Female Professor.
Do Huu Bich—Female Professor.
Nguyen Thi Bay—Teacher.
Nguyen Thi Xe—Professor.
Trinh Thi Thu Nga—Secretary of the Vietnam Assembly in 1968.
Phan Ngoo Dung—Teacher.
Le Thi Giau—Teacher.
Tran Buu Lien—Teacher.
Ho Ty—Engineer.
Nguyen Manh Tuy—Doctor.
Nguyen Van Sung—Dentist.
Le Cong Doan—Lieutenant pilot.
Phan Van Sinh—Lieutenant.
Moui Tung—Architect.
Tran Ngoc Anh—Doctor.
Luong Thanh Thin—Engineer.
Hoa Tu—Bachelor of Science.
Mai Xuan—Writer.
Phan Chinh Dinh—Professor.
Lam Thanh Phuong—Professor.
Nguyen Son—Professor.

Le Quang Vinh—Professor of Petrus Ky, 15 years in Con Deo, isolation compound, camp 7 (new tiger cages), gian nhan Hiep Dang.

Nguyen Dong Ha—Young brother of Mrs. Nguyen Thi Binh, foreign minister of the PRG arrested with his pregnant wife, has already served his 3 years sentence. Refused to slander his sister on Saigon TV.

Pham Xuan Thien—Professor.
Nguyen Van Thien—Professor.
Truong Van Thong—Professor.

Le Dinh Tham—Science student, arrested May 1968, sentenced 5 years. Relative: Le Dinh Bon, 441/27 Phan Dinh Phung, Saigon.

Pham Quang Vinh—Professor.
Do Van Cua—Professor.
Nguyen Hung—Professor.
Pham Ngoc Chau—Professor.
Phan Dinh Hoat—Professor.

Vo Dong Hoa—69 years old, Former President of iVetnam Red Cross and Phu Yen Member of Council.



Nguyen Le Thu An—Female Student.
Do Van Mieu—Student.

Thieu Thi Tao—Student from Marie Curie (French Lycee) in Saigon, arrested in Saigon, arrested in 1968, sentenced 2 years, served already 4 years. Mother: Nguyen Thi Binh, 15 Cong Truong, An Dong, Cholon.

Le Tu Cam—Student.
Le Thi Cham—Student.
Le Le Huong—Student.
Ngo Thi La—Student.
Tu Thanh My—Student.
Nguyen Phi Van—Student.
Nguyen Phi Phung—Student.
Nguyen Thi Cuc—Student.
Nguyen Kim Huong—Student.

Hoang Thi Kim Ngan—Student, arrested December 11, 1968, prison No. 718 E, camp No. 4, imprisoned with her husband Dang Cong Tam, prison No. 1578E, camp No. 5. Relative: Dang Thi Bich.

Nguyen Phuong Lan—Student.
Pham Thi Be—Student.
Cao Thi Ngoc Rot—Student.
Nguyen Thi Ben—Student.
Nguyen Thi Xuan—Student.
Nguyen Thi Hien—Student.

Banh Duong—Born in 1949, arrested April 22, 1968, judged innocent July 11, 1969. Deported June 4, 1972. Prison No. 365 HC, cell No. 4, women camp, information from her mother: Tran Hue.

Nguyen Thi Nhu—Student.
Tran Kim Tuyet—Student.
Quach Kim Anh—Student.
Phung Ngoc Anh—Student.
Phan Le Hanh—Student.
Nguyen Thi Phu—Student.
Hua Thieu Lan—Student.
Tran Thi Kim Van—Student.

Phan Thi Bach Tuyet—born in 1951 from Phan Thiet, high school student, arrested February 8, 1969 in Saigon, judged on December 5, 1969 by the 3rd Field Military Court for "attempt to Destroy the Security of State" sentenced 4 years, deported to Con Son, loss of eyesight and lung sickness.

Nguyen Thi Phung—Student.
Hoang Thi Khanh—Student.
Nguyen Thi Tieu—Student.
Le Thuy An—Student.

Luu Ngoc Tran—born July 27, 1942, pharmacy student for 5 years. Arrested May 7, 1968 in his Saigon home. Suspected of VC activities; sentenced 2 years (suspended) on September 11, 1968 by the 3rd Field Military Court. Deported to Con Son, room A, zone C, camp 6. Relative: his mother Nguyen Thi Van, 146 Bui Thi Xuan, Saigon.

Cao Duy Tuan—born in March 5, 1945 in Hue, younger brother of Cao Thi Que Huong bachelor, arrested February 21, 1969 in Saigon, sentenced 20 years hard labor for "rebellion against security of State" by 3rd Field Military Court on March 15, 1969, liver and stomach sickness. Prison No. C20648. Relative: Nguyen Thi Cam (mother), 20 Dao Duy Tu, Dalat.

Le Anh Ton—Van Hanh University student, born January 1, 1946 in Gia Dinh, Science student, arrested December 6, 1968 in the 5th District of Saigon, not judged, chronic liver sickness. Relative: Vo Thi Tu, 363 Nguyen Trai, Cholon.

Ho Van Hieu—Born July 20, 1939 in Khanh Hoa, 2 years student in the Political University of Dalat, arrested in Saigon on March 9, 1969, not judged, deported to Con Son, Chronic headache and 2 legs paralyzed.

Ho Dac Dung—born 1945, Dalat University student, arrested September 2, 1969 in Saigon, not yet judged, deported to Con Son.

Nguyen Van Chau—Student.
Vo Duc Hoang—Student.
Le Tan Nam—Student.

Tran Quoc Tai—Representative of Science student in Saigon, prison No. 280 MTCT, arrested May, 1972.

Tran Quoc Hung—Literature student, prison No. 656 MTCT, Committee Representative of Saigon literature students.

Truong Minh Hanh—High-school student from the Association of Danang high-school students.

Hoang Tan Quang—Student.
Mai Thanh Trung—Student.
Le Than—Student.
Le Dinh Nguyen—Student.
Le Hong Tu—Student.

Ton That Quynh Luong—born in 1936 in Phu Yen, teacher, his wife has nerve sickness, 2 small daughters, arrested May 25, 1972 in Saigon, judged April 11, 1973, "rebel" charges; sentenced 6 years, deported to Con Son.

Nguyen Dinh Phuc—Student.

Dang Thanh Tinh—Born 1964 in Quang Nam, bachelor, arrested May 1972, "attempt against state Security".

Phan Qui—High school student from the Association of Danang high-school students.

Dang Thai—Association of Danang high-school students, prison No. 4512 MTCT.

Ngo Minh Hai—Student.

Ngo Van Hoang—Association of Danang high-school student, prison No. 4515 MTCT.

Le Tu Quang—Association of Danang high-school students, prison No. 4516 MTCT.

Pham Si Man—Student.
Phan Tan Chinh—Student.

Le Van Thien—high-school student, arrested in 1968, judged November 1968, "rebel" charges, 5 years hard-labor, 3 years exile, deported to Con Son.

Mai Thinh—High school student.
Ho Nhan—Student.
Huynh Thoai Nghiem—Student.
Hoang Van Nghiem—Student.
Nguyen Khac Em—Student.
Le Bay—Student.
Mai Ban—Student.
Mai Cu—Student.
Nguyen Van Ly—High School Student.
Pham Ngoc Minh—student.
Tu Thanh My—student.
Diep The Tri—student.

Le Hoang Phuc—High school student of the Committee to Demand the Right to Live for Compatriots, born in 1953, prison No. 101 MTCT; room 13, camp 3, arrested October 24, 1971, sentenced 3 years jail, On December 26, 1972 he was deported to Con Son. Information from his mother Mrs. Tran Thi Hong.

Nguyen Cao Hien—Student.

Thai Van Sang—High School student, born in 1947 in Long An, arrested February 22, 1968, not yet judged, deported to Con Son.

Duong Minh Cong—Professor.

Nguyen Thi Minh Nguyet—Female high-school student.

Le Tan Viet Nam—Student of Forestry, Zoology, member of Saigon Buddhist Student Association. Arrested February, 1969, prison sentence 3 years, prison No. A4608. Relative: Nguyen Thi An, 129/189 Nguyen Trai, Cholon.

Nguyen Truong Con—Electronics student, arrested July 1968, sentenced 5 years, served almost 4 years, prison No. 205 MTLD. Relative: Nguyen Thi Nhu Thien, 50 A Bui Thi Xuan, Saigon.

Lam Thanh Qui—born in Quang Ngai, bachelor, arrested January 20, 1972 in Saigon. Sentenced 3 years for "attempt against State Security" on August 26, 1972 by the 3rd Field Military Court, deported to Con Son, then Kontum POW camp on December 26, 1972. He is Acting chairman of the Committee to Demand The Right to Live for Compatriots in Saigon, prison No. 211 MTCT. Information from his mother Mrs. Le Thi Nghe (63 years old).

NATIONAL POLICE HEADQUARTERS

Vu Quang Hung—Student of Science, charged with the murder of Professor Bong, tortured until almost dead, after being sentenced all life hard-labor. Prison No. 787 MTCT.

Mr. ABOUREZK. Mr. President, the fact is that these people obviously are not hardened criminals. They come from a

number of different, productive, social environments, and professional strata. Although they are from different backgrounds, they have one characteristic in common: before everything and above all they are Vietnamese citizens who deserve the very basic human rights that should be guaranteed every human being—no matter where he lives. Yet, for these people, the basic human rights have been suppressed. The right to live as they wish and the rights to exercise their talents and learning in order to build up their country have been denied. Take, for example, the case of Cao Thi Huong—Cow Thee Hung—a teacher who was arrested in 1970 for her failure to support the Thieu regime. Cao was tortured in front of her husband during her internment and eventually lived to watch her husband die in Chi Hoa prison in January of 1973.

Or there is Nguyen—Newen—Diem, a 6-year medical student who opposed the election of President Thieu in October 1973. He was charged with an attempt to destroy state security and has been in Chi Hoa prison ever since.

Mr. President, there are 187 names on this short list alone and there are more lists than there are names on this list which we could point to as documented evidence that these prisoners of conscience exist.

I recently received a letter from a couple who are presently working in a hospital in South Vietnam, outside Chi Hoa prison in Saigon. They stated that they have oftentimes witnessed the epileptic fits or seizures which are the aftermath of electric torture in patients coming to them. Many are paralyzed, all are psychologically tormented. It is no secret among the Vietnamese, they say, that American tax money pays for these horrible practices.

The final thing which has deeply concerned me about the list of these 187 South Vietnamese people is that with rare exception none have had the benefit of even the slightest appearance of a court trial. Many are being held without even as much as a hint as to what crimes they have committed.

Yet, in spite of this, they have been the objects of some of the most cruel and inhuman forms of degradation known to man.

It is almost ironic, Mr. President, that in a country such as this—a country which has been the recipient of over $200 billion of U.S. foreign and economic aid in the last 10 years in the name of democracy—there is not even the most basic cornerstone of democracy—that of a trial or the writ of habeas corpus.

In the name of democracy, this country demanded that our young men fight for the principles which we in this country stand for. Yet, while 55,000 young Americans lost their lives to fight for South Vietnamese democracy, at least that many South Vietnamese have been imprisoned for disagreeing with the leaders of that "democracy"—most often without the benefit of a trial.

Mr. President, I am convinced that if the Congress is to continue to agree to give to the South Vietnamese Government billons of dollars in military aid, then I think we have the right and the responsibility to insure that these funds are truly being used for the protection of a "democracy."

This amendment would simply require the South Vietnamese Government to give formal assurance to the President of the United States that all prisoners now being held in South Vietnamese jails have been given the benefit of a court trial—and that those who have been sentenced without this benefit will be released.

I cannot think of a more honest and simple approach to securing justice for those people than this. Certainly, if South Vietnam is enjoying the benefits of a democracy, its government will not hesitate to inform the President that there are no prisoners being held without the benefit of a formal court trial. To be sentenced without this right would be to forsake one of the oldest and most vital precepts of democracy.

If the Government of South Vietnam is guilty of such acts, then, Mr. President, I believe that we have no choice but to stop our military support of that government. For what is the difference between South Vietnam and any other repressive and totalitarian government which does not allow the most basic civil rights to its citizens? There simply would be no reason to defend it any longer.

Mr. GOLDWATER. Mr. President, has the Senator finished?

Mr. ABOUREZK. Yes.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield such time as the Senator from Arizona requires.

Mr. GOLDWATER. I certainly can understand the concern of my distinguished friend about this matter. In fact, I was quite concerned about it, too, but about a month ago my legal assistant, Mr. Terry Emerson, was invited to accompany other such members of Senate staffs to South Vietnam, and just yesterday I put in the RECORD, at page 17465, the first report that Mr. Emerson has made to me. I thought it was so worthwhile that it should be made part of the RECORD.

During 1 week's study tour through South Vietnam, one of the many issues he investigated was the allegations of political prisoners allegedly being held by the Republic of South Vietnam.

In listening to the presentation of the Senator's amendment, I sat here quite confused, because the first sentence of Mr. Emerson's report reads:

> There are not over 33,000 civilian prisoners of all types in the Republic of Vietnam. There are no remaining prisoner-of-war camps.

That is rather confusing to me, because, if I understood the Senator correctly, he mentioned over 200,000 political prisoners. I am not saying the Senator is wrong and my assistant is right, or that he is wrong and the Senator is right, but there has to be a common ground somewhere, and there cannot be a common ground between 33,000 and 200,000 political prisoners.

Mr. ABOUREZK. Mr. President, will the Senator yield.

Mr. GOLDWATER. I yield.

Mr. ABOUREZK. I want to correct the Senator's assumption. I did not say 200,000 in my presentation. I did not use the figure 200,000.

Mr. GOLDWATER. I thought I heard that. I must be mistaken. But the Senator did say there are many political prisoners.

Mr. ABOUREZK. The information I have from the International Commission of the Red Cross, the International Commission of Jurists, Amnesty International, the International Commission on Human Rights, is that there are several thousand, but at no point did I use the figure 200,000. I have heard the figure 200,000, but at no point in this presentation did I mention that figure.

I am not certain that anybody who makes a one-shot trip to Vietnam can be certain he has seen all the prisoners who are there. It is possible he has been told that is how many are in jail, but it is not probable that he has seen them all.

Mr. GOLDWATER. I would readily agree to that. I remember one American who went to Vietnam and said he could see all the prisoners in jail. I do not doubt that a man going over there for 1 week, particularly a man who has never been there before, could get the wrong information, but he told me the entire group was rather unanimous that that number did not exist. At least, they used the big figure 200,000.

That is probably where I got it. I was reading this report. I inadvertently thought my ears had heard that figure instead of my eyes seeing it. So I apologize. But I am really in a quandary about this.

I think the Senator's amendment has great appeal. Again, not questioning the integrity or the honesty of my friend at all, but I do not know, with these two reports, if we really know enough to even consider it. Maybe here is a place where a body of American Congressmen, Senators and House Members, could very well visit Vietnam to make sure these prisoners are either there or are not there.

The report does contain the charges that the North Vietnamese have yet to release one prisoner, while the South Vietnamese have released all but the handful that I mentioned, so I am sort of up in the air.

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

Mr. GOLDWATER. Yes. The Senator has the floor.

Mr. ABOUREZK. I wonder if I could clear up the confusion of the Senator from Arizona about how he should act on this amendment.

To begin with, the amendment says if there is one prisoner in South Vietnam being held without benefit of a trial, a formal trial, or a formal hearing, hopefully this amendment would require that he be either tried or released. It does not require knowledge of the specific number of prisoners in South Vietnam in order to support this amendment. Therefore, I would hope the Senator from Arizona

would support this basic bit of human right and civil right to the people of South Vietnam.

If we were providing arms to North Vietnam, I am certain we would have a lever over them so that we could provide for a cutoff of arms shipments to them if they refused to release their political prisoners. Perhaps that is what we ought to be doing. I would not particularly be for that, but perhaps it might be a thing to consider.

I hope that that will clear up for the Senator from Arizona what the amendment does. The amendment provides for the basic civil liberties and civil rights that people ought to be entitled to.

Mr. GOLDWATER. I thank the Senator. I will take no more time.

I ask unanimous consent that the report from Vietnam by Mr. J. Terry Emerson, which appears on 17466 of the RECORD of June 4, 1974, be printed in the RECORD at this point.

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

REPORT FROM VIETNAM

(By J. Terry Emerson)

POLITICAL PRISONERS

There are not over 33,000 civilian prisoners of all types in the Republic of Vietnam. There are no remaining prisoner-of-war camps.

Charges of up to 200,000 "political" prisoners in South Vietnam are sheer fabrication—totally false, unproven hysteria, or intentional lies.

On May 30, we visited Con Son Island, home of the so-called "tiger cages." A now-defunct magazine had portrayed these isolation cells as underground pits,. inhuman cages allegedly suffocating the spirit of civilian opponents of the government.

Actually, a photographer would have to strain his ingenuity in order to distort the conditions he was viewing. Taken in dark hours, from one flight above the true ground level, aimed into the center of the cell, away from the windows, waiting for the right mood of somberness by the prisoner, a journalist could have created a picture designed to shock.

But he would have had to have mounted a stairway nine to ten feet above the prison floor and to have ignored the ample window ventilation openings of the cell. He must also have stood close to the inside walled corners of the cell so as to avoid showing its true dimensions of almost five feet in width and eleven feet in depth.

Our study group easily moved ten people into the cell without nearly filling it. It was used and large enough for two or three persons, unlike the real isolation cells of the Communists. The Communist cells for South Vietnamese soldiers are oven-shaped structures, six feet long, three feet wide, and two and one-half feet high, made out of cement. Where cement block is not available, the North Vietnamese substitute bamboo, making an enclosure so small the isolated prisoner must crouch, never having enough room for standing or even stretching out.

The original Son Con isolation cells are no longer in use. The 5,400 civilian prisoners on Con Son Island are now in compounds, lines of cells surrounding large central yards lush with trees and plant life. The two South Vietnamese compounds we saw were far more attractive physically than one American-designed detention facility we visited.

The prisoners of Con Son Island engage in an active existence. Far from the mainland, this locale of tourist-quality scenery is virtually escape proof, though one prisoner at least has succeeded in fleeing it by boat.

Nevertheless, nearly all prisoners are trusted to move about daily outside their cells. Some illiterates attend reading classes; some work in the industry area, shaping handsome walking sticks or fashioning shell decorations which are sold for their own earnings they are allowed to keep.

Other prisoners engage in farming, planting and caring for the produce of seeds they are given by the government. Still others are permitted to fish, one boat leaving shore regularly with prisoners aboard to set nets.

These are not political prisoners, incarcerated because of making expressions of opposition to the government. Two-thirds of the prisoners on Con Son Island are civilians who have committed normal civilian crimes for which offenders are jailed in civilized societies around the globe. Another one-third of the prisoners are military persons who have committed civilian-type crimes.

Are there "political" prisoners held elsewhere in South Vietnam? Certainly, if a terrorist shells a village schoolhouse to intimidate local residents, and is apprehended, he is subjected to the civil processes and will be detained. But this is not a "political" prisoner, even if the marauder happens to be a VC.

The U.S. Embassy has canvassed the entire country-wide system of prisons, jails, and other detention facilities. The Red Cross has made over 195 visits to Republic of Vietnam prisoner installations. American penal specialists trained in such things have searched throughout the South Vietnamese detention system without finding shackles or other signs of cruelty.

Two American Embassy surveys of jails, detention centers, and prisons in South Vietnam prove beyond any reasonable doubt that the total of all civilian detainees of all types is about 35,000, close to the current South Vietnamese figure of 33,000.

Anti-Government activist Father Chan Tin charges there were 202,000 "political" prisoners allegedly held by the Republic of Vietnam. His statistic has been inserted into the Congressional Record as gospel.

This figure, however, exceeds by over a hundred fifty thousand the total capacity of all prisons and detention units in the entire Republic of Vietnam, including informal village lock-up stations. Even if the occupancy of these facilities did exceed their capacity in certain instances, it is impossible that the total number of prisoners could begin to approach 200,000, let alone the much higher total that must be projected as being imprisoned since Father Chan Tin's figure did not include what even he would recognize as offenders sentenced for common crimes. Significantly, one of our group who requested it was freely permitted to visit with Father Chan Tin and his recorded conversations should do much to dispell the falsity and unfounded exaggeration of most of Father Chan Tin's claims.

Using exhaustive methods of canvassing, the U.S. Embassy at Saigon has documented the total prisoner and detainee population being held in national prisons, provincial prisons, interrogation centers, and local lock-up stations as a *maximum* of 35,139. This statistics is backed up by the personal knowledge of American Public Safety Advisors who had been on the spot and is a figure that can be accepted as reliable.

This report cannot end without a brief discussion of the South Vietnamese penal system. For unlike the persons under Communist rule, the citizens governed by the Republic of Vietnam enjoy an extensive program of political rights, including a true public trial and defense.

Once convicted and sentenced, a prisoner is ordinarily allowed outside in the open, some seven hours each day. As I observed at Con Son, prisoners in South Vietnam may farm, do craft work, or attend normal educational classes. Inmates are permitted to write letters regularly, receive gifts, and have a weekly visit from their relatives, except for at least four times a year at Con Son Island, which is far from the mainland.

In contrast, the objective observer should ask what is the treatment of Communist-held prisoners—the true political prisoners of Vietnam. How many Red Cross observers or outside inspectors have been allowed a thorough study inside Communist jails and prisons?

In twenty years, the Communists have kidnapped more than 70,000 South Vietnamese civilians. The names, addresses, and personal data about these individuals are identified in a book openly available for inspection. What is their plight today?

What efforts to relieve the human suffering of these documented victims of political terror are being made by the same groups who parrot unproven fabrications about the Republic of Vietnam?

How many of these captured 70,000 have been massacred? Or are being held in real concentration camps? Or are being forced to slave labor?

The true story of political prisoners is not to be found in the prison or detention system of South Vietnam. The real evidence of brutality is buried under the soil held by Communist soldiers or hidden from all impartial inspection by the secrecy of the Communist system.

Mr. McCLURE. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. Yes, I yield.

Mr. McCLURE. I thank the Senator for yielding. I will be brief.

I could not help noticing the correlation between some remarks which I had already prepared for presentation on the floor of the Senate today on the subject of a State Department document dated April 16, 1947, which deals with several aspects of conditions in the relationship between North Vietnam and South Vietnam. Two comments from that report are pertinent in this instance. One of them relates to prisoner releases.

In that particular State Department document it is stated that the Communists press for the release of 200,000 political prisoners.

I was glad to hear the Senator from South Dakota (Mr. ABOUREZK) say that all he could document were 187,000, not 200,000.

The document further points out the failure of the North Vietnamese to effectuate the prisoner releases that are called for under the agreement.

The second portion of the document to which I call particular attention in the context of this discussion is the one which is numbered paragraph 4 in that report and refers to "democratic liberties."

I shall read that paragraph because I think it is appropriate to this discussion:

One of the Communists' strongest demands is that the Government insure "democratic liberties" for the people, but they do not address the question of "democratic liberties" in Communist-controlled areas.

The government correctly contends that there is already a much greater degree of political freedom in its areas than in any Communist-controlled areas. As part of an overall settlement, and prior to elections, it has offered "the lifting of all restrictions on democratic liberties necessitated by the state of war."

Mr. President, I take this time only to point out that the State Department in

its evaluation of the relative merits of the positions of North Vietnam and South Vietnam comes down heavily in favor of the position of the Government of South Vietnam.

I think it is always strange in this body that when we start talking about the repression of human liberties it is always directed at the Government of South Vietnam, and almost never directed toward the Government of North Vietnam, where that repression is far greater.

I thank the Senator for yielding.

I ask unanimous consent that a statement and document be printed at this point in the RECORD.

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

STATEMENT OF SENATOR MCCLURE

A recent State Department document correctly assesses that the "fundamental objective of the North Vietnamese Communists and their Viet Cong associates has long been and remains the establishment of political control over the South. . . ." Recent reports of aggressive attacks on civilians by North Vietnamese regular army insurgents serve as a brutal reminder of the means by which the North Vietnamese and their Viet Cong allies intend to gain that long sought-after control in the South.

In addition to the unending and illegal use of military aggression as a means to gain political control over the South, the Hanoi and PRG tacticians also continue to evade the promises they made in the Paris Agreement, where they agreed to full implementation of a cease-fire; an end to infiltration into the South by North Vietnamese troops; a complete prisoner exchange; the institution of democratic liberties; and internationally supervised free elections.

With the caveat in mind that Hanoi and the PRG have as their only goal the complete control of South Vietnam (to the exclusion of the expressed desire of the people there to remain free from communist domination), the State Department document proceeds to lay out its assessment of the Hanoi/PRG and South Vietnamese government's positions on major peace issues.

Because what this document points out is so important to this body's consideration of future United States support of peace and freedom in South Vietnam, I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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ASSESSMENT OF SOUTH VIETNAMESE GOVERNMENT AND COMMUNIST POSITIONS ON MAJOR PEACE ISSUES

The fundamental objective of the North Vietnamese Communists and their Viet Cong associates has long been and remains the establishment of political control over the South; the Communist positions are designed to further this end. The South Vietnamese Government's objective is to prevent a Communist takeover; its positions are designed accordingly. Since these objectives are irreconcilable, there is little room for compromise and correspondingly little progress has been made.

Put another way, the Communists are only interested in negotiating the modalities of their takeover of South Viet-Nam, while the Government refuses to make any concessions which would promote this end.

In an important sense, therefore, the only real issue between the two sides is: Who rules South Viet-Nam? All other questions are merely different aspects of this fundamental question.

With this major caveat, following is an assessment of current Government and Communist positions on some of the major issues left to be implemented or further negotiated under the terms of the Paris Peace Agreement:

CEASE-FIRE IMPLEMENTATION

The Communists demand a third cease-fire proclamation, *after* which they propose instituting some loosely-defined enforcement procedures.

The Government maintains that *before* there can be a real end to the shooting, there must be some agreement on procedures and effective enforcement mechanisms (e.g., progress on delineation of areas of control and deployment of joint and international truce supervisory teams to regional and sub-regional sites, as specified in the Agreement).

Essentially, what the Communists propose is a generally unsupervised cease-fire which would leave them maximum freedom of military action and access to populated areas; while the Government insists on a tightly controlled cease-fire which would keep Communist forces restricted to their remote border bases and sparsely populated enclaves.

INFILTRATION

The Communists generally ignore the problem of infiltration of troops and war materiel, except to make false claims of U.S. violations. They likewise fail to address the Argeement's prohibition against the use of Laos and Cambodia for aggressive purposes. They have refused any joint or international inspection of their resupply system, understandably so in view of their large-scale military build-up since the cease-fire.

The Government, on the other hand, considers these provisions of the Agreement to be vital, and Communist violation of them to be a clear indication of bad faith. It sees the Communists' build-up as *prima facie* evidence of intent to seek a military solution should they fail to achieve their objective by other means.

PRISONER RELEASES

The Communists press for the release of the fictitious "200,000 political prisoners" they allege are held by the Government, and have recently suggested the exchange of personnel captured since the cease-fire.

The Government was vigorous and generous in its efforts to ensure completion of the prisoner exchanges agreed to in Paris at the time the Agreement was signed (which was only accomplished on March 5, 1974). Since the Government got by far the worse end of these exchanges (a ratio of one prisoner received for six returned), and since the Communists still refuse to release or account for tens of thousands of Government military and civilian personnel they are known to have captured, Government generosity on this matter may be approaching its limit unless the Communists show greater reciprocity.

DEMOCRATIC LIBERTIES

One of the Communists' strongest demands is that the Government insure "democratic liberties" for the people, but they do not address the question of "democratic liberties" in Communist-controlled areas.

The Government correctly contends that there is already a much greater degree of political freedom in its areas than in any Communist-controlled areas. As part of an overall settlement, and prior to elections, it has offered "the lifting of all restrictions on democratic liberties necessitated by the state of war."

NCNRC

The Communists view the National Council of National Reconciliation and Concord as a form of coalition government in which they and their friends would be assured domination.

The Government is willing to move forward on establishing the NCNRC, but it considers this body to be primarily a mechanism to develop ground rules for internationally supervised elections.

ELECTIONS

The Communists make elections contingent on establishment of their version of "democratic liberties" and the NCNRC, fail to mention anything about international supervision, and want elections to be only for a constituent assembly.

The Government has pressed hard for internationally supervised elections, confident that it could easily win any fair electoral test against the Communists. It has proposed several specific timetables, involving settlement of issues such as democratic liberties and the NCNRC, culminating in elections.

Essentially, the Communists only want elections to ratify a prior political settlement in their favor; the Government wants elections to be the primary instrument for determining South Viet-Nam's political future.

Mr. GOLDWATER. I am really confused. At first blush, I was tempted to support the amendment of the Senator from South Dakota (Mr. ABOUREZK) because it has a great deal of appeal. But, finally, my feeling now is that we really do not know enough about it.

I yield the floor.

Mr. STENNIS. The Senator would not be for this amendment.

Mr. GOLDWATER. I say I am tempted. What I am tempted to do and what I do are two different things.

Mr. STENNIS. Mr. President, how much time remains in opposition to the amendment, please?

The PRESIDING OFFICER. Thirty-nine minutes on each side.

Mr. STENNIS. Mr. President, I think this is a highly important amendment. It goes far beyond the question of South Vietnam. It would set an impossible precedent, as I see it, should it become law.

Let us look at the background of the matter. The question of aid to South Vietnam has already been debated on the floor of the Senate once during this session. The amendment denying additional funds for fiscal 1974 for aid to South Vietnam was adopted, and it was upheld in conference. It has just been agreed to in the supplemental conference report.

There was a request for Vietnam aid for fiscal 1975. We took the proof, and we went all around the table. I think every member of the committee participated. We set the figure at $900 million. That is in the bill now. It has not been questioned, so far as I know. There are no amendments to reduce it or to increase it. We made a reduction from the ceiling requested by the administration, which I believe was $1.6 billion.

Now the amendment which is offered puts a string on the money and, in effect, says to South Vietnam, which is a sovereign nation—and we have been trying to keep it that way—that "As to your internal affairs. . . ." Now we certainly do not approve of all the internal affairs of the nations we are helping, but the amendment sets a precedent as to every one of these nations—Turkey and Greece. for instance.

We have had these programs going for 20-odd years as to those two countries. We say here, "We are going to look into your internal affairs, and if you are not running your prisons or if you have peo-

ple in them who are there for what we call political crimes, then we are going to cut off the money that we otherwise had decided to let you have."

Mr. President, I think that in the family of nations, certainly within the family of nations that are friendly, or even just tolerably friendly, that is a condition that we would not want to recognize or impose. The same logic would apply to us. I think we ought to open our eyes clearly as to what we are doing.

There may be prisoners there without a formal court trial according to our standards, but what is a formal court trial in Turkey or Greece, or any other nation, or South Vietnam? The prisoners may be there without defense counsel. Just what is lack of defense counsel? Just what does it mean under their government?

We say we are going to hold this money until all of their civil rights have been restored. Well, that sounds mighty good, but what are the civil rights of South Vietnamese? What are the civil rights of people in these other countries, dozens of them, to which we are giving military aid in one form or another? What about the civil rights of the people in those countries? We do not know what they are. We do not know how to define them. The amendment does not try to define them. But we would be tying up all of this money on this vague, uncertain, and, I submit with all deference, unsound condition that just knocks the props out, as a practical matter, from under the whole program of economic and military aid.

I certainly am not a fanatic on that subject. I have voted against a great deal of this aid over the years. But when we go to putting conditions like this on it, I think it is better just to deny the funds. If conditions are so bad or so intolerable or so contrary to what we believe in in any nation, it is better just to say, "We are not going to give you any aid under those conditions."

I do not believe I am overdrawing this picture at all. I think I am underemphasizing as to just what we would get into. We have always preached our own doctrine that our sovereignty was our sovereignty and no other legislative or parliamentary body in the world was going to legislate it away. So, if we are not satisfied as a whole, to the extent that we cannot honorably and honestly give them this money—and that is what it is; it is a gift under the conditions, and I am supporting it to the extent of this amount—then we had better just take it out of the bill, instead of trying to put these conditions on it.

I shall repeat this same argument when we have a larger attendance than we have now, if I have a chance. But that is my main point, and I point with alarm to setting a precedent of this kind.

Who in the world could test such a certificate, anyway, if it came to the President of the United States, of formal assurance, and so forth? How could we test a matter of that kind, when they say they will release, by December 31, 1974, all persons sentenced and imprisoned without benefit of formal court trial or defense counsel, and that all such persons and political prisoners will have restored to them their civil rights?

This is a very fine sentiment. I commend the Senator from South Dakota, who has worked on this amendment and offered it, for his great purposes, diligence, activity, and ability. But we are transgressing here on a basic, fundamental principle of international conduct. I will not say law, but it is a principle of conduct, habit, and experience. So I hope the amendment will be defeated.

Mr. President, I am glad to yield 5 minutes, or such additional time as he might need, to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to this amendment, for a number of reasons.

The first is that we have a tremendous investment in Vietnam. Over 50,000 of our men were killed in that country. Over 300,000 were wounded. We have spent about $130 billion there over a 10-year period, trying to preserve the freedom of that country, because it is a part of the free world and because it was to our national interest. That country has cooperated with us. They are a proud and independent people.

How would we feel if some other country wanted to come here and investigate our prison system? Vietnam is just as proud of its government and the people there are just as proud of their country as we are of ours. The Federal Bureau of Investigation here certainly would not permit outsiders to come in, because they would feel it would jeopardize the security of correctional institutions, might unduly excite inmates, and could disrupt prison programs.

Mr. President, I wonder if the distinguished Senator from South Dakota would like to include in his amendment the country of Spain. I would like to hear him respond to that, if he would.

Mr. ABOUREZK. Mr. President, as a matter of fact, when the foreign aid bill comes up, I would like to include the country of Spain, and I hope the Senator from South Carolina will support that amendment.

Mr. THURMOND. I would not support it, but I was just wondering how the Senator feels. I wonder if the distinguished Senator from South Dakota would like to include Greece.

Mr. ABOUREZK. I would very much like to.

Mr. THURMOND. I wonder if he would like to include Syria.

Mr. ABOUREZK. Yes, I would, as a matter of fact.

Mr. THURMOND. Egypt.

Mr. ABOUREZK. Yes.

Mr. THURMOND. Israel.

Mr. ABOUREZK. Yes.

Mr. THURMOND. Cambodia. Thailand.

Mr. ABOUREZK. As a matter of fact, to spare the Senator from South Carolina from going through the list, I would like to say that this particular principle ought to be applicable to every country which receives American aid.

Mr. THURMOND. Does the Senator intend to modify his amendment to cover all countries, or keep it restricted to South Vietnam?

Mr. ABOUREZK. No, I do not at this point. Just South Vietnam.

Mr. THURMOND. Would the Senator apply it to the Philippines?

Mr. ABOUREZK. As I say, I would like to apply it to all countries.

Mr. THURMOND. Would the Senator apply it to Turkey?

Mr. ABOUREZK. All countries.

Mr. THURMOND. Specifically, to Turkey?

Mr. ABOUREZK. I beg the Senator's pardon?

Mr. THURMOND. When the Senator says all countries, does he mean all countries in the world?

Mr. ABOUREZK. All countries that receive American aid ought to come under this kind of condition before they receive aid from this country.

Mr. THURMOND. Why does not the Senator make that condition now?

Mr. ABOUREZK. Mr. President, will the Senator yield on my time?

Mr. THURMOND. On the Senator's time.

Mr. ABOUREZK. I would like to make just a brief response to what the Senator from South Carolina has been saying.

The amendment requires that in South Vietnam, if there are any prisoners who have been held in prison without benefit of a court trial, they either be tried or be released. It is a very simple, basic amendment that provides for the basic human liberties of all people; but since we do provide a great deal of aid to South Vietnam, since we did fight to try to preserve democracy in South Vietnam, I think what we ought to do is require that there be some semblance of democracy in that country. I do not believe that all the talk about interfering in their internal affairs has any relevancy whatsoever. We interfered in their internal affairs to the extent that we lost 50,000 men, and we have spent $200 billion there, and probably will spend $200 billion more before that episode is over.

So I do not think that has any relationship whatsoever to the amendment itself, which says that before we give any military aid to South Vietnam, they provide a court trial to those people they put in prison.

Mr. THURMOND. I wonder if the distinguished Senator is willing to accept an amendment to provide that his amendment would take effect provided North Vietnam accounts for all our missing in action in North Vietnam?

Mr. ABOUREZK. No, I would not be willing to modify my amendment to that extent. It would make the amendment meaningless, because we have no control whatsoever over North Vietnam. We had no control over them when we had a half a million troops there. It will be certainly pointless to do it now when we have few troops there in that part of the world.

Mr. THURMOND. Mr. President, it is difficult to understand why a little country which fought side by side with our own men is going to be required to take steps that we will not require any other country to take.

Mr. President, it is very difficult to understand why the Senator would take such a position. Are we going to say to a little country that fought with us and is struggling to preserve its independence, trying to give them ammunition and the arms to do it, to say to them that we will require something of them that we have not required of any other nation, that we are going even to require this of them, although North Vietnam has not accounted for the MIA's, we are requiring this of South Vietnam even if North Vietnam does not account for the MIA's?

Mr. President, after all, are we not meddling in the foreign affairs of another country?

Our State Department has looked into this matter. It has inspected over there. Taking the Senator's own statement here this afternoon, he quotes the State Department, and it says—now are we going to believe the State Department or are we going to believe some less informed party? Here is what our own State Department says:

> The highly publicized charges that civilian prisoners are subject to widespread, systematic mistreatment in the jails of South Vietnam are simply not sustained.

That is what our State Department says. That is the agency of our Government that deals with South Vietnam and other countries of the world.

Furthermore, our Embassy in South Vietnam has been provided with the necessary access to information with which to assess the political prisoner charges. The Government of Vietnam has even invited a distinguished and nonpartisan group of Senators and Representatives to visit Vietnam and observe the system for themselves.

I wonder whether the Senator has been to South Vietnam or has he inspected the prisons? Does he have any firsthand information and, if not, what is he going to take, the report of unofficial groups, or the statements of our State Department and our Ambassador in Saigon? Our people there on the ground say they know the situation, and they say it is not so.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield.

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the Senator's yielding to me. I was interested in the comments he made regarding what the State Department was saying and what the American Ambassador was saying.

Let me preface further remarks by assuring the distinguished Senator from South Carolina that I, too, am opposed to this amendment.

I asked my staff to check into the mail that we were receiving from Virginia with regard to this question and they told me that we are receiving a number of letters that would support the position of the distinguished Senator from South Dakota (Mr. ABOUREZK).

Apparently this is generated mail coming from an organization called the "Indonesia Mobile Education Project."

If I have to choose between believing statements that come from our own Department of State and an unknown organization based here in Washington that apparently has a mobile vehicle traveling around Virginia, encouraging the citizens of Virginia to write their Senators and Representatives with regard to this matter, then of course I will believe our Government. I have confidence in our own State Department and in our Ambassador.

Now, I have a letter before me—and I am not going to insert it into the RECORD because, quite frankly, I would not want to dignify it by publicizing the contents of the letter—but it is a 9-page letter that indicates someone has done a lot of research, called, "A Response to State Department and Saigon Allegations About Political Prisoners in South Vietnam."

You know, Mr. President, we have in the law the "best evidence rule" and I do not believe that the information made available to me by this organization would be acceptable under the best evidence rule.

I thank the Senator from South Carolina very much for yielding me this time.

Mr. THURMOND. I wish to thank the distinguished Senator from Virginia for his comments.

The PRESIDING OFFICER (Mr. MCCLURE). The time of the Senator from South Carolina has expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 additional minutes.

Mr. THURMOND. Mr. President, the distinguished Senator from South Dakota (Mr. ABOUREZK) states that he wants this applied to all nations. That would be just the first step. I would like to visualize what will happen if this kind of amendment were applied to Egypt with whom we have just secured a truce with Israel, or with Syria with whom we have just obtained a truce with Israel, or with Spain where we have bases and need them so badly—or in other countries in the world; as well as with the Philippines with whom we have good relations; with Thailand, with whom we have good relations; and with Turkey and other countries in the world.

Mr. President, will this not be a precedent we will be setting here today that will cause us headaches, cause us sorrow, and cause us regret in the years to come if this amendment is agreed to?

Frankly, I have no knowledge any countries have political prisoners. I do not think they do, but most of them do receive aid from us.

If we adopt such amendments as this are we not injecting ourselves into the foreign affairs of other nations? Mr. President, I say that this will set a dangerous precedent and we will regret the day we adopt such an amendment, if it is adopted.

I hope that the Senate will see fit to kill the amendment and let the people of the world know that we in America are attending to our own business, that we are not trying to inspect the prisons of any country in the world, or trying to intervene in those countries in any way to try to run their affairs for them.

We have got enough problems right here in the United States without trying to inject ourselves into the internal workings of other countries in the world.

I therefore hope, Mr. President, that the amendment will be rejected.

Mr. ABOUREZK. I am ready to vote, if the Senator is.

Mr. TOWER. Mr. President, will the Senator from Mississippi yield me some time?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Texas (Mr. TOWER).

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. TOWER. Mr. President, I believe that what motivates the distinguished Senator from South Dakota (Mr. ABOUREZK) is laudable. I wish that every nation in the world could enjoy the free legal and political institutions that the United States does. But I think to accomplish the real objective, what would have to be proposed, this proposition or any other that might come before us of a similar nature, would be that all prisoners would have to be freed in a particular country as a condition of our assistance unless they had been tried and convicted in a manner consistent with the principles of law and justice inherent in the common law of England.

If we want to try to apply our standards to other countries, we should insist that they follow the same Anglo-Saxon theories of law and right that we do.

We do not even regard the legal system in France, for example, as serving the ends of justice to the extent that our law does. As a matter of fact, Anatole France commented acidly that the law in its majestic equality prohibits the rich man from begging alms or sleeping under bridges as well as the poor man.

We do not even really think that their system provides the same safeguards for the accused that ours does.

So that the pending amendment, in the final analysis, would be a sham. I think it should be rejected, and I hope that it will be, not just because of the mischief it will do to the program we have provided for in the committee bill, but for the kind of precedent it will set which is totally impractical in terms of the formulation and conduct of American foreign policy.

Mr. STENNIS. Mr. President, the Senator from South Dakota has indicated that he wants to yield back his time, which is all right with me.

Mr. ABOUREZK. If the Senator is ready, I am ready to yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STENNIS. I am ready to yield back the remainder of my time, if the Senator from South Dakota is.

Mr. ABOUREZK. I yield back my time.

Mr. TOWER. Mr. President, I believe that an amendment is in order at this time.

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. I send to the desk an amendment to the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 3, after "civil rights." insert the following:

Provided, however, the language of this subsection shall not become effective until the government of North Vietnam has given a complete accounting to the satisfaction of the Government of thhe United States of all its citizens listed as missing in action as a result of the Indo China conflict.

The PRESIDING OFFICER. On this amendment, there is a limitation of 15 minutes on each side.

Who yields time?

Mr. ABOUREZK. Mr. President, I move to table the amendment of the Senator from Texas, and I ask for the yeas and nays.

The PRESIDING OFFICER. The motion is not in order until the time has been used or yielded back.

Mr. TOWER. If the Senator will withhold, I intend to withdraw the amendment, but I think it is worthwhile to say a word here.

I do not think we have tried to do anything effective in this body to secure a proper release of or accounting for the Americans who are still missing in action and are still unaccounted for in Indochina. The fact that we do not pay as much attention to them as we do to supposed political prisoners in South Vietnom, I think, is a remission on our part.

The Senator from South Dakota has said that he would not accept such an amendment, but I hope that some day we will be sufficiently seized of our conscience that we will actively do something in this body to try to secure the release of any missing in action that might be held now or a complete accounting by the government of North Vietnam.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

All time having been yielded back, the question is on agreeing to the amendment of the Senator from South Dakota.

Mr. ABOUREZK. Mr. President, I should like to make a brief response.

The PRESIDING OFFICER. The Senator yielded back the remainder of his time.

Mr. ABOUREZK. I reserve the remainder of my time. I said at the time I was prepared to yield it back, and there was an interruption.

Mr. STENNIS. Mr. President, I ask unanimous consent that the Senator may have 1 minute.

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

Mr. ABOUREZK. I want to make a briek explanation as to why I do not choose to accept that kind of amendment.

The requirement that the missing-in-action of this country in the Vietnam war be accounted for is already present in the Paris peace agreement that we signed with the Vietnamese. That requirement is already there.

The second part of the reason is that we have no real leverage over North Vietnam to require that kind of accounting. We have some leverage over South Vietnam to assure that people who have been sentenced and imprisoned be given a court trial or be released. We have the leverage to require that sort of thing, and I think we ought to.

I appreciate the fact that the Senator from Texas will allow an up and down vote on this amendment.

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

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from South Dakota. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. Moss), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGEE) is absent on official business.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

The result was announced—yeas 32, nays 57, as follows:

[No. 228 Leg.]

YEAS—32

| | | |
|---|---|---|
| Abourezk | Hathaway | Pell |
| Burdick | Humphrey | Proxmire |
| Case | Javits | Randolph |
| Church | Kennedy | Ribicoff |
| Clark | Mansfield | Schweiker |
| Cranston | McGovern | Stevenson |
| Eagleton | Metzenbaum | Tunney |
| Gravel | Mondale | Weicker |
| Hart | Muskie | Williams |
| Haskell | Nelson | Young |
| Hatfield | Pastore | |

NAYS—57

| | | |
|---|---|---|
| Aiken | Curtis | Magnuson |
| Allen | Dole | McClellan |
| Baker | Domenici | McClure |
| Bartlett | Dominick | McIntyre |
| Bayh | Eastland | Metcalf |
| Beall | Ervin | Montoya |
| Bellmon | Fannin | Nunn |
| Bennett | Fong | Pearson |
| Bentsen | Goldwater | Percy |
| Bible | Griffin | Roth |
| Biden | Gurney | Scott, Hugh |
| Brooke | Hansen | Scott, William L. |
| Buckley | Helms | Stennis |
| Byrd, Harry F., Jr. | Hollings | Stevens |
| Byrd, Robert C. | Hruska | Taft |
| Cannon | Huddleston | Talmadge |
| Chiles | Hughes | Thurmond |
| Cook | Jackson | Tower |
| Cotton | Johnston | |
| | Long | |

NOT VOTING—11

| | | |
|---|---|---|
| Brock | Mathias | Sparkman |
| Fulbright | McGee | Stafford |
| Hartke | Moss | Symington |
| Inouye | Packwood | |

So Mr. ABOUREZK's amendment (No. 1372) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ABOUREZK. Mr. President, I call up my amendment No. 1374.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to read the amendment.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. STENNIS. Mr. President, the Senate is not in order. We cannot hear.

The PRESIDING OFFICER. Will the Senator suspend?

Will the Senator from South Dakota restate his request?

Mr. ABOUREZK. I ask unanimous consent that further reading of the amendment be dispensed with.

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

Amendment No. 1374 is as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. . (a) Section 3732 of the Revised Statutes (41 U.S.C. 11) is amended by—

(1) striking out in subsection (a) the following: ", except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year";

(2) striking out the subsection designation "(a)" at the beginning of such section; and

(3) striking out subsection (b) of such section.

(b) The first proviso contained in the paragraph entitled "Medical and Hospital Department", under the heading "MEDICAL DEPARTMENT", in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and seven" approved June 12, 1906 (34 Stat. 240), is amended by striking out the following: ", except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which however, shall not exceed the necessities of the current year".

The PRESIDING OFFICER. The Chair will advise that by previous agreement there is a 1-hour limitation on this amendment, 30 minutes to each side.

Mr. ABOUREZK. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. ABOUREZK. I yield 5 minutes to the Senator from Nevada (Mr. BIBLE).

Mr. BIBLE. I thank the Senator from South Dakota.

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## AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2844.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2844) to amend the Land and Water Conservation Fund Act, as amended, to provide for collection of special recreation use fees at additional campgrounds, and for other purposes, which were, on page 1, line 4, strike out "(78 Stat. 789)," and insert "(78 Stat. 897,".

On page 1, lines 4 and 5, strike out "(16 U.S.C. 4001–6a)," and insert "(16 U.S.C. 4601–6a),".

On page 4, line 3, strike out all after "charged", down through and including "Provided", in line 6, and insert "for boat launching facilities only where specialized facilities or services such as mechanical or hydraulic boat lifts or facilities are provided: And provided".

On page 4, line 9, after "facilities,", insert "personal collection of the fee by an employee or agent of the Federal agency operating the facility, reasonable visitor protection,".

On page 4, line 11, after "permitted).", insert "At each lake or reservoir under the jurisdiction of the Corps of Engineers, United States Army, where camping is permitted, such agency shall provide at least one primitive campground, containing designated campsites, sanitary facilities, and vehicular access, where no charge shall be imposed."

Mr. BIBLE. Mr. President, I have discussed these suggested amendments by the House of Representatives to the present bill with both sides of the aisle. I have been assured that they have no objections to the amendments made by the House. The truth of the matter is the amendments do not affect the substantive bill as passed by the Senate.

Accordingly I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

Mr. BIBLE. I thank the Presiding Officer and I thank the Senator from South Dakota.

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## DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1975

The Senate continued with the consideration of the bill (S. 3000) to authorize appropriations during the fiscal year 1975 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 of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes.

Mr. ABOUREZK. Mr. President, my amendment would require that under the Feed and Forage Act, which was passed in 1920, which allows the military to obligate money from the Treasury without congressional authorization, authorization must first be required from the Congress before the money is obligated.

Mr. President, this amendment is one of several steps needed to restore to Congress its full power of the purse. At the present time the Department of Defense is able to make contracts and purchases in advance of appropriations. Once they act—by entering into obligations—our options are closed. A legal liability is placed upon the Government. We must at some future point appropriate whatever funds are necessary to liquidate the obligations.

Although I have been unable to obtain a full accounting of money spent under this law, in the brief period from 1960 to 1972 the Pentagon asked for and received almost $5 billion—but actually spent almost $2 billion.

I think this does violence to an important constitutional principle. The initial decision to commit public funds must remain a congressional prerogative. It is up to us, as guardians of the purse, to decide when public funds shall be spent and where they shall be allocated. We cannot allow executive officials to perform that function, leaving us with the perfunctory duty of providing funds to cover their actions after the fact. This demeans the role of Congress, and degrades the appropriations process.

This extraordinary situation results from the "Feed and Forage" law, an antiquated piece of legislation that served a purpose more than a century ago but has since become an anachronism. Back in the period from 1820 to 1861, when this legislation evolved, Congress was a part-time institution. It met only a few months a year. If it adjourned without appropriating funds for the War and Navy Departments, there was no access to stopgap funding authority. Flexibility and executive discretion were severely limited by line-item appropriations. The financial strain on departments was made more difficult when Congress denied them authority to transfer funds between appropriations accounts or to use carryover balances from prior years. Without authority to contract in advance of appropriations for certain items—for clothing, subsistence, forage, and transportation—there was a genuine threat that our troops in remote outposts would have to disband.

To appreciate the situation at that time, consider what happened in 1856 when Congress adjourned without passing the Army appropriation bill. President Pierce called Congress back into session, warning that a failure to provide funds would require disbanding the Army. He alerted Congress to other injustices:

> A great part of the Army is situated on the remote frontier or in the deserts and large bodies of men in such places without the means of regaining their homes, and where few, if any, could obtain subsistence by honest industry, would be to subject them to suffering and temptation, with disregard of justice and right most derogatory to the Government.

President Pierce described the threats of Indian raids against the inhabitants of the territories of Washington and Oregon, on the Western Plain, and in Texas, New Mexico, and Florida. He feared that disbandment of the Army would invite—

> Hordes of predatory savages from the Western plains and the Rocky Mountains to spread devastation along a frontier of more than 4,000 miles in extent and to deliver up the sparse population of a vast tract of country to rape and murder.

Here we are more than a century later allowing the military services to obligate funds in advance of appropriations as though conditions are the same. But, of course, they are vastly different.

If Congress fails to pass appropriations on time, the Defense Department is immediately covered by a continuing resolution. We are in session practically on a year-round basis, prepared to grant supplemental appropriations to meet unusual and unanticipated expenses. Moreover, the financial structure of the Defense Department has been fundamentally altered in recent decades. They are no longer hemmed in by line-item appropriations. Transfer authority is available to them, amounting to $625 million for fiscal 1974. Reprograming of funds within appropriation accounts is an additional source of flexibility, allowing executive officials to shift billions of dollars each year in order to meet needs that had been unanticipated at budget justification time.

Let us acknowledge that times have changed, that the conditions giving rise to the feed and forage authority are no longer with us today.

Times have changed in yet another sense. We are currently in the midst of a historic effort to reform the congressional budget process. Part of that effort—a major part—is devoted to returning to Congress full control over spending and budget priorities. Those objectives are undermined if we allow executive officials to commit the Nation to expenditures without any participation by Congress.

A close look at the budget reform legislation underscores the need for removing the feed and forage provision from the books. The Senate passed the budget reform bill on March 22 of this year by unanimous vote of 80 to 0. When the bill was originally reported out of the Senate Government Operations Committee, it was justified as a mechanism which would permit Congress to examine and establish a national budget, to identify and select national priorities, and to coordinate spending and revenue actions. I submit that it is impossible to satisfy those objectives unless we retain full control over the commitment of public funds. To do that, the feed and forage law must go.

Both the Senate committees took steps to remedy the fragmentation of the spending process, the growing uncontrollability of expenditures, and the presence of many backdoor features that prevent a coordinated approach to congressional action. Consistency dictates that we proceed another step by repealing an outdated, redundant piece of legislation. Otherwise, we risk having budget reform in rhetoric but not in reality.

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

Mr. GOLDWATER. Mr. President, will

the Senator yield for a parliamentary inquiry?

Mr. STENNIS. Yes, I yield for a parliamentary inquiry.

Mr. GOLDWATER. This amendment applies to section 3732 of the revised statutes, in which it designates the War and Navy Departments.

Under the Reorganization Act of 1947 the Department of Navy and the Department of War were done away with. What does this amendment do in that case?

The PRESIDING OFFICER. That would be a matter of statutory interpretation and the Chair cannot make that interpretation.

Mr. GOLDWATER. I thank the Presiding Officer.

Mr. STENNIS. I yield to myself 5 minutes.

In response to the question of the Senator from Arizona, as I recall, those matters have come up. When such words are used—and the matter is not cleared up and brought forward—the law is being interpreted as meaning the successors to the War and Navy Departments as used there. These situations are supposed to be cleared up. That is a good point, and the language ought to be changed.

Mr. President, I again commend the Senator from South Dakota. The Senator is quite a versatile man and he knows how to find things in the law. I am glad he brought this up and brought it out.

This pertains really to the Appropriations Committee more than it does to a bill of this kind from the Armed Services Committee.

I have been a member of the Appropriations Committee for a good while, and Senator McCLELLAN of Arkansas, of course, is chairman. If he is unable to get here to say a word for the committee, I will say something from the committee's viewpoint quite briefly.

Mr. President, it is true this is a very old statute passed in another day. But I know of instances where we were mighty glad this law was on the books. We were very much pleased it was.

It is not an open, blanket authorization by any means I am advised, it has been used only five times since World War II. That, as everyone knows, was 29 years ago. One of those times was for the Berlin airlift when, all of a sudden, the strain was such that it caused us to run out of some of these items which I will enumerate.

It applies only to the essential items now that the troops need: clothing, subsistence, forage, fuel, quarters, and transportation; that is all. It is readily shown that these are essential day-to-day matters that must be supplied. They must have something to live on—sustenance, transportation, clothing, fuel.

This is a limited section in the law. It does not apply at all until appropriations are exhausted. That means the Appropriation Committees and Congress make an estimate of what will be needed for all these items. But these matters here are from hand to mouth, you might say, they are required to live on and travel. We have the assurance when we do take a recess and have gone out of session——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. STENNIS. I yield myself 3 more minutes.

When we do go out of session, those of us who talk to these problems feel it is reassuring to know that whenever anything comes up anywhere around the world, for any of our troops—even a unit of perhaps 10—their commanding officer will have the authority under our law to at least get the fuel, the food, and the necessary things for them to live on; just their subsistence, the elements that are necessary.

So I do not think you would want to strike this out of the law, because it is not modern, because it has some old words in it about the War Department, and so forth. As a matter of fact, it is not even broad enough to provide ammunition, and we ought to be thinking, perhaps, about putting that in.

I would not favor the statute as it is unless it is strictly enforced and strictly adhered to. This is one time I feel we can assure the Senate that it is strictly observed. I have known of the things which came up where it really was needed.

The only alternative is to appropriate more than we think they may need, because we are certainly not going to leave them stranded between the saddle and the ground.

Mr. President, I yield the floor to the Senator from South Carolina for whatever time he wishes.

Mr. THURMOND. Mr. President, I wish to concur in the statement of the distinguished Senator from Mississippi.

I oppose this amendment. The amendment would repeal the significant portion of R.S. 3732 (41 U.S.C. 11) which provides authority to incur deficiencies for certain limited purposes—clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies—needed for the current fiscal year.

EFFECT ON AMENDMENT

The amendment would eliminate an important but limited authority available to the DOD to incur deficiencies in the absence of funds in order to provide the necessities of the current fiscal year. This authority is available to provide the basic logistics support needed to maintain military forces as specified in R.S. 3732. The amendment would modify R.S. 3732 by deleting that portion of it italicized below:

(a) No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, *except in the Departments of the Army, Navy, and Air Force, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which, however, shall not exceed the necessities of the current year.*

*(b) The Secretary of Defense shall immediately advise the Congress of the exercise of the authority granted in subsection (a) of this section, and shall report quarterly on the estimated obligations incurred pursuant to the authority granted in subsection (a) of this section.*

DOD POSITION

The DOD opposes enactment of the amendment.

R.S. 3732 provides an important authority to the Department of Defense which has been sparingly used. Although limited in its scope and availability it permits the Department of Defense to incur deficiencies when funds are not available to provide basic support to the military forces. Its retention is important in the national interest in the event of unforeseen events, such as its use in connection with the Berlin airlift in fiscal year 1962. It also assures the ability to provide basic support to military members whose reliance on such support, as for example subsistence and medical care, creates a unique relationship in the Federal Government. R.S. 3732 has been used in fiscal year 1968 and fiscal year 1969 to provide such support as the result of late enactment of supplemental appropriations. In all R.S. 3732 has been used five times since World War II.

R.S. 3732 is limited in a number of important respects. It is only available for the enumerated items of clothing, subsistence, forage, fuel, quarters, and transportation, which are essentially items which must be provided to support the military members of the Armed Forces. It can only be used for the necessities of the current fiscal year. It is only available where appropriations are exhausted.

R.S. 3732 does not provide authority to pay military members. It does not provide authority to purchase, for example, ammunition or military equipment. Thus R.S. 3732 does not provide broad authority to continue the full scope of DOD activities; it provides authority to provide essential troop support and only when funds are exhausted.

To assure the authority to provide such support in the event of unforeseen circumstances or when funds may be otherwise exhausted, the DOD urges retention of this authority.

Mr. ABOUREZK. Mr. President, I just want to make a very brief response to the statement of the Senator from Mississippi.

When the Senator said this is only to be used for basic items, I invite his intention to the June 3 CONGRESSIONAL RECORD, page S9419, which is a filing that I inserted in the RECORD on June 3, showing that the Defense Department has used feed and forage money for.

There is an item here in 1972 operation and maintenance for the Air Force of $85 million. That was the amount they asked for. Of that they used $70 million. The description says that—

It will cover minimum essential costs for increased operations in Southeast Asia, for fuel supplies, maintenance, transportation, special air missions, temporary duty travel, and other personal support.

In addition to the basic, everyday items to which the Senator from Mississippi refers, it is being used or was used and has been used for bombing missions and other air missions over Southeast Asia.

I suggest that the military, like every other agency of Government, be required to come in and justify in advance the money they want to spend. Congress is in session nearly the year around. There is no reason any more since the 19th century why Congress cannot be here to

provide money that is needed by the military.

Certainly every other agency does it, and there is no reason why they should not have to.

I yield to the Senator from Maryland.

Mr. MATHIAS. I thank the Senator from South Dakota for yielding.

First of all, I want to congratulate the Senator for bringing this amendment to the attention of the Senate, because I share with him a concern over the existence of this language on the statute books. I think it is testimony to his scholarly research and to his alertness not only to have detected these words but to have recognized the significance of these words in a context which is far different from that in which they were originally used.

Not long ago I was given a Civil War certificate issued by a cavalry commander under this very statute, who had taken 18 tons of hay from a farmer to keep his horses going in that somewhat simple and uncomplicated period.

Mr. STENNIS. Mr. President, may we have order so we can hear the Senator? There is cross conversation here from one side to the other.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MATHIAS. But, Mr. President, I would point out to the Senator that this particular statute is one of 470 emergency statutes which have been identified by the Senate Special Committee on Termination of the National Emergency. It is one which, in our judgment, as in the judgment of the distinguished sponsor of the amendment, does need to be weighed very carefully in the context of its use, and I might suggest to the manager of the bill its abuse.

Mr. STENNIS. Yes.

Mr. MATHIAS. In the unwarranted use of executive power in modern warfare. Now, our committee, the Committee on the Termination of the National Emergency, has addressed a request to the Committee on Armed Services asking for that committee's assessment of the necessity for this statute on the books. I would suggest that if we could have that considered judgment as a part of our record, and if we could then use that judgment to bring this matter back to the floor as a part of the report of the Committee on the Termination of the National Emergency, which I would hope would come to us before the end of this year, that then we would be able to act on this particular subject in the context of similar executive powers which really need revision.

In suggesting that we might delay this until it can be acted upon as a part of the whole report, I am in no sense second-guessing the wisdom of this amendment, because if it came to a vote I would have to vote for it, but I do think that perhaps it is better and more orderly procedure to take it in the broader context.

Mr. STENNIS. Mr. President, if I may respond—and put this on my time, Mr. President—I did not have any knowledge of the Senator's group or his request. But I feel this way about it: It would be a great mistake to just strike out this provision. There should be something somewhere, whereby a commanding officer could move to get those 18 bales of hay that the Senator has mentioned.

I think the statute ought to be modernized, at least, whatever is done about it. I point out that these items are not authorized by the Armed Services Committee; they come in mainly from O. & M. funds, like clothing, subsistence, food, shoes, quarters, transportation, medical, and hospital supplies. The Senator from Arkansas, the chairman of the Committee on Appropriations, has just come into the Chamber, and by my calling out those items I am sure he recognizes them as matters his committee is concerned about, and mainly matters that affect his committee.

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

Mr. STENNIS. Yes, I yield on my time to the Senator from Arkansas.

Mr. McCLELLAN. I just came into the Chamber, as the Senator from Mississippi has pointed out. There has been some suggestion of deferral; would the Senator repeat that?

Mr. MATHIAS. Yes, glady, Mr. President. This is one of the 470 statutes on the national emergency books which the Senate has asked our committee to review and make some recommendations on.

I think if we were dealing only, as the distinguished chairman of the Armed Services Committee has suggested, in terms of shoes or bales of hay, neither the Senator from South Dakota nor I would be too much interested. But when this power can be interpreted as the power upon which to conduct an entire war, I think we have to look at it carefully.

Our committee has addressed a request to both the Committee on Armed Services and the Committee on Appropriations for their considered and careful judgment as to the effect of this statute, as to its desirability in a modern age, as to safeguards that perhaps ought to be added to it, so that it will be utilized within its proper scope, and so that it does not become the vehicle for the exercise of arbitrary military authority by the executive.

If both the Appropriations Committee and the Armed Services Committee will respond to that request, and then we can bring back to the Senate a report on this and other emergency statutes, I would hope and I believe that the author of the amendment, the Senator from South Dakota, would agree that might be a useful way to pursue it.

Mr. ABOUREZK and Mr. McCLELLAN addressed the Chair.

Mr. STENNIS. The Senator from Arkansas has just come into the Chamber. Let me yield to him first.

Mr. McCLELLAN. Mr. President, I would make this observation, on the basis of what I have heard here and what I know about the amendment and the overall situation:

It would seem to me that this would be a better way to handle it than on a bill like this, without hearings or anything, just simply to repeal whatever authority now exists. As the distinguished chairman of the Armed Services Committee has indicated, this provision may need some modernization, and some limitations as the Senator from Maryland suggests. But to leave no authority to meet such an emergency crisis, I think, would be unwise. I do not know that one would ever occur, but if it should, the power to act ought to be there.

It is something that I think could well be studied, along with other provisions of the law that may now be obsolete or need revising.

Mr. MATHIAS. Mr. President, the distinguished Senator from Arkansas could facilitate that very much, as could the Senator from Mississippi, if the committees they chair would give us their considered judgment on this subject.

I am grateful to the Senator from South Dakota for offering this amendment, if only for the purpose of impressing upon each committee the necessity of acting on this subject, because if we do not, it will come up again and again in a less orderly way.

Mr. McCLELLAN. I might make this observation: Until some of these things come up, there are many statutes we are not familiar with until someone raises the question. Now that the question has been raised, the orderly procedure seems to me to be for the Senator's committee to take it into account and try to let us work out a proper solution.

Mr. MATHIAS. We are prepared to do so, we are eager to do so, and we ask the Senate to let us do so.

Mr. STENNIS. If I may respond to the proposal, and also the response of the Senator from Maryland, we will be glad to get together, go over the history of it for the last several years, and make such suggestions as we can. This matter needs to be covered in some way, and be limited where it may be abused, is the way I see it.

Mr. ABOUREZK. Mr. President, if I may make a response, then I will yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized on his own time.

Mr. ABOUREZK. I wonder if the distinguished chairman of the committee would be willing to agree to hold hearings in his committee on this particular section. What concerns me is that, with regard to the Committee on the Termination of the National Emergency and its authority, the legislation giving that committee authority states that the function of the committee is to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950.

I know they are entitled to study this section, but I do not know if they can make any kind of action on it.

What I would like to hear from the distinguished chairman is his willingness to hold hearings on this particular section, because I think it is subject to a great deal of abuse, as is obvious from the amount of money they have spent and the items they have spent it on.

I would be willing to withdraw the amendment and the order for the yeas

and nays if the chairman would be willing to agree to that.

Mr. STENNIS. It is certainly a matter of concern, and of importance as well, to get the facts as it applies to our committee, and I think the Appropriations Committee, as I have just said, and its chairman has said he has an interest in it.

Each committee could get such facts as pertain to their special interests. We can do so, and respond to the Senator from South Dakota and the Senator from Maryland.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. ABOUREZK. Mr. President, I reserve the remainder of my time.

Mr. STENNIS. I yield to the Senator from Arkansas.

Mr. McCLELLAN. I only intended to observe that the Appropriations Committee is not a legislative committee, and this is primarily legislation which sets the rules by law as to what shall be done and not be done and the Appropriations Committee has to observe the rules. It is a legislative matter primarily. But I will be glad to give thought to it and make some suggestions as to my views.

Mr. MATHIAS. Mr. President, if the Senator will yield for a moment, the Appropriations Committee's view and the original request that the Committee on Termination of the National Emergency addressed to the Appropriations Committee were predicated on the thought that this was a means of expending the money outside the appropriations process and if, as was suggested by former Secretary Laird, we could keep the whole war going on the basis of this particular statute, that would really relegate the Appropriations Committee to a very insignificant function. It is in that context, I think, the thoughts and judgments and observations of the Appropriations Committee, at least——

Mr. McCLELLAN. Having contributed to the holding of the hearings and making a determination as to what shall be national policy is with the legislative committees primarily.

Mr. STENNIS. I agree that we want the Appropriations Committee to furnish the facts about how much has gone through the committee under this section for the past 15 or 20 years. Yes, we will get into it from that point of view.

Mr. MATHIAS. If the Senator will yield 1 minute further, we have, of course, also requested the Department of Defense to comment and give us its views on this subject. We want that as a part of the RECORD. It might be of some service both to the Armed Services Committee and the Appropriations Committee if, at this point, I placed in the RECORD those pages from the report of the Special Committee on the Termination of the National Emergency, beginning on page 319, which deal with this particular statute under title 41, Public Contracts; and I ask unanimous consent that that pertinent part of the committee report be printed in the RECORD.

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

FEED-AND-FORAGE

40 U.S.C. 534. WAIVER OF PROCEDURES FOR DISPOSAL OF URBAN LANDS, ACQUISITION OR CHANGE OF USE OF REAL PROPERTY

The procedures prescribed in sections 532 and 533 of this title may be waived *during any period of national emergency proclaimed by the President.* (June 30, 1949, ch. 288, title VIII, § 805, as added Oct. 26, 1968, Pub. L. 90-577, title V, § 501, 82 Stat. 1105.)

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TITLE 41.—PUBLIC CONTRACTS

41 U.S.C. 11. NO CONTRACTS OR PURCHASES UNLESS AUTHORIZED OR UNDER ADEQUATE APPROPRIATION; REPORT TO THE CONGRESS

(a) No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the Departments of the Army, Navy, and Air Force, for clothing, subsistence, forage, fuel, quarters, transportations, or medical and hospital supplies, which, however shall not exceed the necessities of the current year.

(b) The Secretary of Defense shall immediately advise the Congress of the exercise of the authority granted in subsection (a) of this section, and shall report quarterly on the estimated obligations incurred pursuant to the authority granted in subsection (a) of this section. (R.S. § 3732; June 12, 1906, ch. 3078, 34 Stat. 255; Oct. 15, 1966, Pub. L. 89-687, title VI, § 612(e), 80 Stat. 993.)

DERIVATION

Act Mar. 2, 1961, ch. 84, § 10, 12 Stat. 320.

CODIFICATION

The Department of the Air Force was inserted under the authority of section 207 (a), (f) of act July 26, 1947, ch. 343, title II, 61 Stat. 501, and Secretary of Defense Transfer Orders No. 6, eff. Jan. 15, 1948; No. 12 [§ 1(13)], May 14, 1948; No. 39, May 18, 1949, and No. 40 [App. B(115)], July 22, 1949. The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of such act July 26, 1947. Sections 205(a) and 207(a), (f) of act July 26, 1947, were repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces", which in sections 3011-3013 and 8011-8013 continued the military Department of the Army and Air Force under the administrative supervision of a Secretary of the Army and a Secretary of the Air Force, respectively.

AMENDMENTS

1966—Pub. L. 89-687 designated existing provisions as subsec. (a) and added subsec. (b).

1906—Act June 12, 1906, inserted "medical and hospital supplies."

CROSS REFERENCES

Contracts for Indian supplies in advance of appropriations, see section 99 of Title 25, Indians.

Expenditure by any department in excess of appropriations prohibited, see section 665 of Title 31, Money and Finance.

Printing appropriations not to be exceeded, see section 1102 of Title 44, Public Printing and Documents.

Projects under Mexican treaties, authority to enter into contracts beyond amount appropriated, notwithstanding this section, see section 277d-3 of Title 22, Foreign Relations and Intercourse.

Public lands, fire protection: contract authority of Secretary of Interior for use of aircraft, and for supplies and services, in advance of appropriation; accrual of obligation; contingent obligation, see section 1362a of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in Title 22, section 277d-3; Title 50 App., section 2094.

NOTE

THE "FEED AND FORAGE" ACT OF 1861

In 1972, the then Defense Secretary, Melvin Laird, said that this statute could be used to assure the expenditure of funds in Southeast Asia, for use by U.S. forces, despite congressional prohibitions. When questioned by Senator William Proxmire during hearings on the foreign assistance appropriation act for fiscal 1973, Secretary Laird replied:

If there is not any action by the Senate at all on even a continuing resolution, then the only legislation which would permit us to operate would be the deficiency authorization legislation—which was passed at the time of the Civil War—which gives to the Department of Defense and to the Commander in Chief, the President of the United States, the authority to obligate on a deficiency basis for the subsistence of our military personnel and for other requirements needed to support those military people.

Enacted in 1861 at the time of the Civil War, it is known as the "feed and forage" law. The provisions of the law provide that purchases by the military can be made "for clothing, subsistence, forage, fuel, quarters, transportation or medical and hospital supplies" without the approval of Congress that is customarily required.

Former Secretary of Defense Melvin Laird asserted that the statute would permit the President to ignore Congress' prohibition of funds for the war in Indochina; and to continue spending, on a deficiency basis, for the continued use of U.S. forces. Secretary Laird went on to assert that only additional positive action by Congress—in this case, the repeal of this specific deficiency authorization—would be required to halt expenditures for the involvement of U.S. forces in hostilities in Asia.

A study of the legislative history of this act affirms that use of the "feed and forage" authority as legal justification—for continuing the use of U.S. forces against the will of Congress—was unwarranted. In fact, as the legislative history of the law demonstrates, the "feed and forage" provision was part of a long congressional campaign to tighten congressional control over unauthorized executive branch expenditures. However, in 1861, one exception to strict controls over contracting authority was allowed to the War Department for this particular class of military supplies. The reason for the exception involved certain administrative shortcomings which, during the Civil War period, made legislative approval for item-by-item military purchases impractical, untimely or even impossible.

To illustrate: Congress, during this period, met in "short" sessions with lengthy periods of adjournment during which unforeseen and necessary appropriations could not be authorized. And, even when the Congress was in session, normal delays in the legislative process itself occasionally hampered the War Department in procuring necessary supplies. With troops posted throughout the West—many days ride from Washington—it was evident that delays resulting from congressional delays could have resulted in the collapse of security on the frontier. In order to protect American troops from supply shortages caused by unavoidable delays, Congress extended to the President discretionary "feed and forage" authority. It was clearly intended as a stop-gap funding device.

Subsequently, Congress has enacted a host of stop-gap funding devices to deal with similar military purchasing problems. An example is the use of continuing resolutions which now cover Defense Department appropriations in the event a military appropriation bill is delayed. Moreover, Congress is no longer a "part-time" legislative body, and the "short session" has disappeared. The Congress is, for all practical purposes, always available to grant necessary military funding authority. Also, there exists a transfer authority which allows the Defense Department

$600 million to supplement its programs as needed—unless specifically prohibited.

It is quite evident that the original conditions giving rise to the "feed and forage" authority have long since disappeared. But 41 U.S.C. 11 with its broad statutory language remains. Its recent history is somewhat similar to that of section 5(b) of Trading with the Enemy Act in which the original intention of the legislation has been twisted to justify purposes other than those for which they were enacted.

Mr. GOLDWATER. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. GOLDWATER. Just for purposes of clarification, earlier I directed a parliamentary inquiry relative to the appropriateness of this amendment because it proposes to amend section (a) of section 3732 of the revised statutes, title 41, United States Code, section 11, and the Chair rightfully stated that this was not under their jurisdiction. The Chairman, I think, correctly indicated that it would be assumed to be the Defense Department and not the War Department or the Navy Department.

I have looked this up under title 32 of the United States Code, 1970 edition—title 32 under title 41, and I find that this change has been made in the law. I would, therefore, suggest that the amendment be properly rephrased so that someone might not challenge it on the defense that we are amending something that no longer exists.

For example, in 1966, Public Law 89–687, title 6, was amended so that the language now reads, under 11:

No contracts or purchases unless authorized or under adequate appropriations report to the Congress.

A—no contracts or purchases on behalf of the United States shall be made unless the same is authorized by law or is under appropriation adequate to its fulfillment except in the United States Army, Navy, and Air Force, for clothing, subsistence, forage, food, quarters, transportation and medical and hospital supplies, which, however, shall not exceed the necessities of the current year.

I would suggest to the Senator from South Dakota that if he were going to ask for consideration of his amendment, the language be changed because the law has been changed. The law he refers to is no longer a law on the books.

Mr. STENNIS. Mr. President, I believe that we have used all the time we want to.

Mr. ABOUREZK. 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. ABOUREZK. 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. ABOUREZK. I yield to the Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, we have had valuable developments here. As soon as we get through with this bill, the Armed Services Committee will have to go to conference with it. But the committee will hold hearings this calendar year to develop the relevant facts to this old statute, if I may call it that, to determine the amount of money spent under it, too, for some recent period of time, say 20 years; and with those facts in hand, there will be a judgment on the question as to what, if any, legislation we recommend.

I would not try to indicate what the committee would do, or what any other Senator on any other committee would do, but we have the machinery and the tools to go into this, and we will develop the facts. That is an assurance. That is a promise.

Mr. ABOUREZK. Mr. President, I am sincerely grateful for the commitment which has just been made by the chairman of the Armed Services Committee. I know that he will, and the committee will, give it a thorough going over. I am certain, once they do get into it, that they will most likely agree with the views of the Senator from Maryland, myself, and others who have looked into the matter and support at least the prior authorization.

So, based on that commitment, I ask unanimous consent that the yeas and nays which have been ordered on this amendment be withdrawn.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendment also be withdrawn?

Mr. ABOUREZK. Yes, and the amendment.

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

Mr. STENNIS. Mr. President, I thank the Senator from South Dakota and also the Senator from Maryland for their assistance in this matter. I assure them of our followup on this matter as soon as we can.

Mr. MATHIAS. Mr. President, I want to thank the Senator from Mississippi for his assurance and also the Senator from Arkansas (Mr. MCCLELLAN), the chairman of the Appropriations Committee. I think that their active cooperation will be extremely helpful in a very important area of Senate concern.

I also thank the Senator from South Dakota because through the action he has taken today, he has brought us a long way down the road toward some real progress.

I thank you, Mr. President.

Mr. JAVITS. Mr. President, I am ready to call up an amendment that is in order at this time.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Did not the Senator from South Dakota have another amendment? Did we not agree to take it up now?

The PRESIDING OFFICER. The Senator from New York has been recognized.

Mr. JAVITS. I yielded to the Senator to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 1386

Mr. JAVITS. Mr. President, if the Senator from Mississippi (Mr. STENNIS) is through, I call up my amendment No. 1386 and ask that the name of my colleague from New York (Mr. BUCKLEY) be added as a proponent of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT No. 1386

Insert on page 2, line 20, after the word "procurement" the following: "and if such an objection is interposed then said period shall be extended to sixty days".

Mr. JAVITS. Mr. President, I yield to the Senator from Minnesota (Mr. HUMPHREY).

Mr. HUMPHREY. Mr. President, in order to have some idea of where we are going to proceed, I ask unanimous consent, following the amendment of the Senator from New York (Mr. JAVITS) that I might call up my amendment No. 1382; and I also ask unanimous consent that the name of the distinguished Senator from Tennessee (Mr. BAKER) may be added as a cosponsor of the amendment.

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

Mr. JAVITS. Mr. President, reserving the right to object, I did not hear the request, and I am under great time pressure.

Mr. HUMPHREY. It is only after the Senator from New York has finished.

Mr. JAVITS. I have no objection.

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

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. There is no time limitation.

Mr. ROBERT C. BYRD. Mr. President, will the Senator agree to a time limitation on his amendment?

Mr. JAVITS. Yes.

Mr. ROBERT C. BYRD. Thirty minutes, equally divided.

Mr. JAVITS. That is fine.

Mr. ROBERT C. BYRD. Mr. President, I so ask unanimous consent.

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

Mr. JAVITS. I yield myself 5 minutes.

If Senators will look at the provisions on page 2 with respect to the A–10 and A–7D aircraft flyoff competition, it will be noted that there is a provision as to the winner of a flyoff competition between such aircraft—and that is a perfectly fair deal—as determined by the Secretary of Defense and certified to Congress by the Secretary, that such funds be available within 30 days after certification to Congress, presumably, of the result of the flyoff—so far so good. But then the provision goes on to say:

*Provided*, no objection is interposed by any of the four authorizing or appropriation committees having jurisdiction over such procurement. . . .

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order.

The Senator may proceed.

Mr. JAVITS. Mr. President, it seems to me, as I interpret the law, that this means that after all the action of a flyoff and the competition and the decision

by the Secretary of Defense, if any one of these committees objects—that is, four authorizing or appropriation committees—that is the end of the matter, the thing is dead, our action is a nullity, the production lines close down, and you start all over again. I can hardly feel that that is provident legislation about defense matters of high importance on a plane of this character, about which there has been a great deal of controversy, or that it is even fair and sporting as a proposition between these two competing aircraft.

So my amendment simply says that if any committee objects, then the time shall be extended for 60 days before they can spend any of the money, instead of 30. Within that time, the particular committee which may object can, one, hold a hearing and bring the defense officials on the carpet; two, go to the House to which it belongs and seek a rescission of this authority, or any other action which it thinks it ought to take.

There is a real analogy in that with the kind of action, for example, taken by the Government Operations Committee, of which I am a member, when the GSA reports to it that it is going to sell some property and gives us the terms. If we do not like it and object, we hold a hearing, and, generally speaking, they will cooperate with us until we have had an opportunity to explore completely what we wish to do about the matter.

But after the House and the Senate, after a considered judgment, passed this authorization, after a flyoff competition and a technical decision as to which aircraft is to be procured, and then to kill it because one committee of one body says, "We do not like it; it is dead," I really think is going way up the hill and sliding down again.

This is quite apart from the detail which is involved in terminating a production line or in whatever added costs may occur. Under present conditions, these are bound to be considerable, if you start this thing all over again, when you can get around to it, in terms of authorization and appropriation.

So, Mr. President, the one point made with respect to all I have said is that if it is the desire that it be 60 days of Senate session or House session, I am willing to say that.

In short, I have no desire whatever in any way to abort the process, except to get finality. It is well known that two major companies and two major regions are competing here. May the best plane win. But at least let us have a decision at some time, instead of simply having it all a nullity.

Mr. THURMOND. Mr. President, I yield to the distinguished Senator from Texas such time as he may desire.

Mr. TOWER. Would the Senator from New York let me have a little colloquy with him, on my time, to clarify this matter, because this becomes a little complex?

Mr. JAVITS. Yes.

Mr. TOWER. I might note, first that all this came about some time ago, when the Armed Services Committee wanted to really weigh the relative merits of these two aircraft, and in last year's report, the committee directed the Air Force to hold a flyoff, and the Air Force did not do so. The Air Force, in effect, thumbed its nose at the committee. We told them again to have the flyoff, and this time they held it.

I know that this is difficult to evaluate, because it is like comparing apples and oranges. There are some things that the A–10 is going to be better at than the A–7, and there are other things that the A–7 is going to be better at than the A–10. So it is a difficult thing. Perhaps the term "winner" in the proposed legislation is an unfortunate use of language, because it is difficult to determine a winner under these circumstances. But the fact is that here we have tried to establish the authority of Congress, in the face of what has appeared to be a somewhat lack of decisiveness on the part of the department.

I ask the Senator from New York what happens to the authority of Congress in this matter if an objection is interposed and is not resolved within 60 days. Does that means that if Congress then interposes an objection but nothing is done to resolve it, the Air Force has the authority to spend the money at the end of 60 days?

Mr. JAVITS. It would. But as I gave the analogy with the Government Operations Committee, and I have told Senator TOWER, and I am sure he will confirm it. I would be willing to make it 90 days instead of 60 days, if that would help the matter. A committee, within that time, can get an extension of that time, can get a resolution from its particular House, asking that the matter be extended further. It can seek to rescind the authority.

In short, all I am saying to the Senator is that Congress having acted, Congress should dis-act—that not one committee should completely undo everything Congress has done. That is all I plead for. I am perfectly willing to give that committee whatever time the Senator thinks is reasonable. I think 90 days is reasonable, and let us say that it has to be during the session, or anything like that. But at least no one committee can veto what Congress has done. Let Congress veto it. That is all right.

Mr. TOWER. What would happen in the event that there were a meeting of the minds on the procurement of both aircraft or a mix? What would be the impact of the Senator's amendment on a decision to buy some of both?

Mr. JAVITS. I would assume that any Department of Defense having half a brain, where it had a consensus of the committees involved, knowing that they can simply go to their own bodies and get any resolution they would want on a thing like this, would work with them and work it out the way the wanted.

All I am saying is that, Congress having acted, it is Congress that should disact. That is all.

I would rely upon the Senator, if he accepted that concept and found it possible to take this amendment, to work it out in conference in some fair way, just on that principle, the principle being that at least Congress should have the final say if the parties cannot get together—to wit, the objecting committee and the Defense Department.

Mr. TOWER. This matter has to be resolved in conference, anyway, and much of what we have done in the Senate language may go out the window during the course of conference.

It is a very difficult problem. I just wanted to try to clarify it in this colloquy with the Senator.

It is my understanding that the Senator from Mississippi is not prepared to accept the amendment. Unfortunately, he is not in the Chamber. Perhaps the Senator from South Carolina can address himself to that matter.

Mr. THURMOND. I yield myself such time as I may require.

Mr. President, the committee went into this matter carefully, and they were particular in choosing the words in the bill. The wording that the committee approved reads as follows:

> Such funds to be available within 30 days after certification to Congress provided no objection is interposed by any of the four authorizing or appropriation committees having jurisdiction over such procurement.

Mr. President, the distinguished Senator from New York made a statement that Congress acted and Congress can "disact." That is not the case. Congress acted conditionally. They put in this condition that they could go ahead provided that neither of these four committees, the Appropriations Committees of each House and the Committee on Armed Services of each house objected; but if they object, they cannot go ahead.

Under the amendment of the distinguished Senator from New York, after 30 more days, and he has extended the time, it would read this way: If such an objection is interposed, it shall be extended 30 days. After those 30 days they can go ahead and do whatever they want to do.

We want the committees to have the right to check on the Department of Defense. We have great faith in their ability but we want these committees to have the responsibility here and, therefore, I think the amendment should be tabled or defeated.

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

Mr. THURMOND. I am pleased to yield to the Senator from New York.

Mr. BUCKLEY. Mr. President, I had a colloquy yesterday with the distinguished Senator from Nevada (Mr. CANNON) on this matter. Would the Senator from South Carolina say it is not the intention to provide any of these committees the right to arbitrarily delay procurement, or upset the results?

Mr. THURMOND. I am sure the committees would not arbitrarily delay because the Committee on Armed Services wants this matter to go forward.

I have supported the A–7 and the A–10, but the question here is which of these planes is going to win this fly-off for close air support.

The Senator from Nevada (Mr. CANNON) is the chairman of the subcommittee and the Senator from Arizona (Mr. GOLDWATER) is the ranking minority

member. We all have worked together on this matter; the committee has come up with this recommendation and we think it is sound.

I can assure the Senator there will not be any delay, as far as I am concerned.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, I hope very much the chairman of our committee will take this amendment. This is the only time during many years of debate in this field that I found myself disagreeing with my subcommittee chairman or my full committee chairman. Frankly, I oppose the language that is now contained in the bill. I did not oppose it strenuously. In fact, I agreed to it to keep from having arguments in committee.

However, I would like to point out that the Air Force is supposed to make a decision on this and announce it on June 15. There is every indication they will not do this. There is every indication they will, in a typical Pentagon way, not wanting to make enemies, come in with some decision such as this, which is agreeable to me, "Both planes are desirable; let us try them both."

The only trouble with that is that the A–7 plane may be continuing because the House included funds to buy more A–7's for the National Guard. But the A–10 is the only modern jet aircraft designed for pure ground support and it is not in the production line situation yet.

Any decision to postpone the expenditure of these funds could, in my opinion, be fatal to the A–10. If the Air Force will give us a clear decision without any equivocation at all that they like the A–7 or the A–10, I think we have no worry about this.

But after Congress receives the results of this flyoff, a Defense Systems Acquisition Review Council is scheduled to meet July 2 to review the A–10 and particularly its integration with the General Electric GAU–8 gun.

I am not trying to defend one manufacturer against another. I think the A–7 is one of the finest planes ever built, but the Air Force wanted the A–10, and we expended much more money in research and development. It won the competition with the A–9 built by Northrup, and the so-called flyoff between the A–7 and A–10 has now been completed, although not one shot was fired; it was all under computerized conditions, which, in my opinion, is not the way to do it, but that is the way they did it.

So I support the suggestion made by the senior Senator from New York and the junior Senator from New York that we alter this language. I have grave question, and I will want this to be a part of the RECORD, that either of the four committees should have anything to say about whether we are going to buy the A–10 or the A–7. It is a problem of the Air Force; it is not a problem of the Senate, made up as it is of people coming from all the States. If the Air Force likes the A–10 better than the A–7 they should tell us, or if they like the A–7 better than the A–10 they should tell us.

We would like to have that made known to us. But I do not like to see such an important decision as this, which affects not only the inventory of the Air Force, but also our ability to have close air support—something we never had the ability to do—left to political committees. This is something on which the Air Force should have the fortitude to stand up and tell us on June 15, "This is what we like."

Mr. President, in this connection I ask unanimous consent to have printed in the RECORD an article entitled "Lack of Clear Fly-Off Decision Could Postpone Funds for A–10," which was published in Aviation Week and Space Technology on June 3, 1974.

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

LACK OF CLEAR FLYOFF DECISION COULD POSTPONE FUNDS FOR A–10

WASHINGTON.—Failure of the Defense Dept. to name a clear winner in the flyoff between the USAF/Fairchild Industries A–10 and the USAF/LTV Aerospace A–7D attack aircraft could delay the A–10 program indefinitely.

Senate version of the Fiscal 1975 procurement authorization bill specifies that funds be available for the A–10 only if none of four congressional committees objects to the Defense secretary's choice of a winner in the flyoff.

Tenative conclusion of the flyoff is that neither aircraft is a clear winner and both are therefore needed in the inventory. USAF's decision, in effect, was to report the results of the flyoff as a joint evaluation rather than a competition. Reduction of data obtained during the flyoff was completed last week and indicated the A–10 was generally more effective at lower altitudes than the A–7, but that there were conditions when the latter was superior. Based on the preliminary results, the Air Force had not planned to name a clear winner in the flyoff.

Both the House and Senate versions of the bill authorize funds for the A–10 only if it wins the recently concluded flyoff (AW&ST May 13, p. 12).

The Senate recommended funding for the A–7D only if it won, but the House added $104.9 million that the Defense Dept. did not ask for in order to buy 24 A–7Ds for the Air National Guard.

Congressional demands for a winner, however, will encounter a Defense Dept. finding that both aircraft have distinct missions and are needed in the inventory. "Under certain conditions, one airplane looks better than the other, and vice versa," a Defense Dept. official said last week. "You would have a place for both airplanes," he added.

"It is the committee's intent that they choose one or the other," a Senate Armed Services Committee staffer said. Thus, the tentative Defense Dept. conclusion from the flyoff would be unacceptable to Congress and probably would delay release of funds for the A–10 program.

House and Senate versions of the Fiscal 1975 procurement authorization differ enough so that an eventual conference between the two bodies is inevitable. Principal differences in the A–10/A–7 area are:

A–7D production line would remain open under the House version due to the Air National Guard buy, while it would shut down if the Senate version was agreed upon.

Review of the Defense Dept. decision by Senate and House Armed Services and Appropriations committees is in the Senate version only. The provision allows one of the four committees 30 days to object to the Defense secretary's choice. Should such an objection be raised, the program could be slowed or stopped for months until the congressional barrier was removed.

Congress is due to receive the results of the A–7/A–10 flyoff June 15. A Defense Systems Acquisition Review Council is scheduled to meet July 2 to review the A–10 and particularly its integration with the General Electric GAU–8 gun (AW&ST Apr. 8, p. 13).

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, who is handling time?

Mr. THURMOND. I am glad to yield to the Senator such time as he requires.

Mr. STENNIS. Mr. President, will the Senator yield to me for 3 minutes?

Mr. THURMOND. I yield 3 minutes to the Senator.

Mr. STENNIS. Mr. President, I do not have direct knowledge about this contest. The way I understood it was that this whole matter was settled by the subcommittee by adding this proviso. It came from committee unanimously. The Senator from Arizona, with all deference to him, as I understood him a moment ago, said he opposes it now and never really was in favor of it, but was trying to get an agreement. That is a fair statement.

But the fact is that the contest between the A–7 and the A–10 is going to be decided by the Air Force. They will give it their judgment. However, I think if we do not keep this language at least as tight as it is we kind of make a joke out of this matter; I mean making a joke out of requiring the fly off, and tying up the money.

This will have to be settled in conference. I do not know what we will run into, but I do promise we will consider it as a new problem in light of all the developments and new facts. I do not see how the committee could back up now from taking this position for whatever good influence it may have. There is no effort to rule out one or the other.

I do not think any Member is sponsoring either one of these planes, and the services might wind up wanting both of them; often they do.

Mr. MATHIAS. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield 2 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I wish to associate myself with the remarks just made by the distinguished Senator from Arizona.

This is an area in which he has a lot of personal knowledge and personal expertise, and I think he has brought that knowledge and expertise to the Senate and presented it in the concise and precise way for which he has become famous. I think he stated it very correctly and accurately.

The Senator from Mississippi talks about changing the rules. I would suggest that what this amendment does is not change the rules; it simply provides a procedure for the way the rules are going to be carried out. It makes sure the will of the Senate is carried out.

That, after all, is the concern of all of us, for the Senate has a responsibility here, and it is a responsibility that ought not to be ducked.

The amendment which is now pending certainly lays out the way in which the Senate's responsibility will be shouldered and executed.

I want to join the Senator from Arizona in supporting the amendment and urge the Senate to adopt it. I think it is fair and right.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I am always, by long association, deeply respectful of the Senator from Mississippi (Mr. STENNIS), but I would like to put a kind of rhetorical question to him. How much more foolish would we look if one committee said "no" and three said "yes"? The Senate and the House, and the law, have said "fly off a contest," but one committee out of four says "no," three say "yes," but nonetheless the deed is dead. I could not even conceive of us looking more foolish than devolving our power that way. It is most unusual—indeed, it may be unconstitutional.

Mr. THURMOND. Mr. President, I yield to the Senator from Nevada such time as he may require.

Mr. CANNON. Mr. President, in essence, what this amendment would do, if adopted, would be to just make meaningless the language that the subcommittee and the committee approved in this bill. As it now stands, the language says:

> Such funds to be available within 30 days after certification to Congress provided no objection is interposed by any of the four authorizing or appropriation committees having jurisdiction over such procurement.

Then it goes on to say, in the amendment:

> And if such an objection is interposed, then said period shall be extended to 60 days—

Which means they would be able to go ahead and spend the money 60 days thereafter whether Congress objected or not. It is certainly not the intent here to give them a blank check.

I would like to point out to my colleagues what the time situation is here. It looks like the report on this fly-off will be out by the 15th of June. At that time we will be barely going to conference with the House. In addition to that, the Appropriations Committees will not have acted They will have an opportunity to review any other matter and take such action as they deem desirable in the field.

So I hope the Senate would not, by language such as written here, in effect give the Defense Department a blank check. If we are going to do that, why have an authorization bill? Why not just say, "We will authorize you to spend $x$ dollars next year. Go ahead and spend it whether a committee objects to it or not"?

I hope the amendment will be defeated.

Mr. JAVITS. Mr. President, I yield myself 1 more minute just to point out that the Constitution, the laws, and the rules of each House represent the power. The committee has no plenary authority. But the Senator from Nevada, in his argument a few moments ago, said they could spend it whether Congress objected or not, because it is engrained in each committee. It is our understanding that it is each House that has the power, not the committees. If we are going to devolve our power that way, we are in a lot of trouble.

I have picked up an amendment which is important in this and other respects. The House has to act; the committee can only recommend. The reason for this proposal is so a committee may have a hearing, make recommendations, and seek action, but to give it plenary power to veto a law I think would be a very, very serious distortion of the constitutional balance, and I hope the Senate votes for this amendment.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I am ready to yield back my time.

Mr. THURMOND. Mr. President, we yield back our time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from New York (No. 1386). 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 Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. MOSS), the Senator from Alabama (Mr. SPARKMAN), the Senator from Indiana (Mr. BAYH), the Senator from Montana (Mr. MANSFIELD), and the Senator from Maine (Mr. MUSKIE), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

The result was announced—yeas 29, nays 56, as follows:

[No. 229 Leg.]

YEAS—29

| | | |
|---|---|---|
| Abourezk | Domenici | Kennedy |
| Aiken | Dominick | Mathias |
| Baker | Eagleton | Montoya |
| Bartlett | Fannin | Pearson |
| Beall | Goldwater | Pell |
| Brock | Hart | Ribicoff |
| Brooke | Hatfield | Roth |
| Case | Hathaway | Schweiker |
| Chiles | Huddleston | Stevenson |
| Dole | Javits | |

NAYS—56

| | | |
|---|---|---|
| Allen | Gravel | Mondale |
| Bellmon | Griffin | Nelson |
| Bennett | Gurney | Nunn |
| Bentsen | Hansen | Pastore |
| Bible | Haskell | Proxmire |
| Biden | Helms | Randolph |
| Burdick | Hollings | Scott, Hugh |
| Byrd, Harry F., Jr. | Hruska | Scott, William L. |
| Byrd, Robert C. | Hughes | Stennis |
| Cannon | Humphrey | Stevens |
| Church | Jackson | Taft |
| Clark | Johnston | Talmadge |
| Cook | Long | Thurmond |
| Cotton | Magnuson | Tower |
| Cranston | McClellan | Tunney |
| Curtis | McClure | Weicker |
| Eastland | McGovern | Williams |
| Ervin | McIntyre | |
| Fong | Metcalf | |
| | Metzenbaum | |

NOT VOTING—15

| | | |
|---|---|---|
| Bayh | Mansfield | Percy |
| Buckley | McGee | Sparkman |
| Fulbright | Moss | Stafford |
| Hartke | Muskie | Symington |
| Inouye | Packwood | Young |

So Mr. JAVITS' amendment (No. 1386) was rejected.

Mr. STENNIS. I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1382

The PRESIDING OFFICER (Mr. MCCLURE). Under the previous order, the Senator from Minnesota (Mr. HUMPHREY) is recognized to call up an amendment.

Mr. HUMPHREY. Mr. President, on behalf of myself, the Senator from Tennessee (Mr. BAKER), and I ask unanimous consent to add as cosponsors Senators KENNEDY, BROOKE, and BENTSEN.

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

Mr. HUMPHREY. I call up my amendment No. 1382, known as the Culebra amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUMPHREY's amendment (No. 1382) is as follows:

> Mr. HUMPHREY's amendment (No. 1382) is as follows:
>
> At the appropriate place in the bill insert a new section as follows:
>
> SEC. . Notwithstanding any other provision of law, no funds contained in this or any other Act shall be expended by the Department of the Navy for training operations at the Culebra complex involving the firing of any shells, missiles, or other projectiles from ships or the dropping of any bombs, strafing, firing of rockets or missiles, or the launching of any other projectiles from aircraft at Culebra or at any keys within three nautical miles thereof after June 30, 1975.

Mr. HUMPHREY. Mr. President, I yield to the Senator from West Virginia for a brief request.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the pending amendment, the Senator from Iowa (Mr. HUGHES) may be recognized to call up an amendment.

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

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the name of the Senator from New York (Mr. JAVITS) be added as a cosponsor of my amendment.

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

Mr. HUMPHREY. Mr. President, this amendment gets at a very old and nagging problem. The language of the amendment reads:

> Notwithstanding any other provision of law, no funds contained in this or any other Act shall be expended by the Department of the Navy for training operations at the Culebra complex involving the firing of any shells, missiles, or other projectiles from ships or the dropping of any bombs, strafing, firing of rockets or missiles, or the launching of any other projectiles from aircraft at Culebra or at any keys within three nautical miles thereof after June 30, 1975.

Mr. President, again it falls upon this body to solve once and for all a nagging problem that just will not go away. For nearly 40 years, the U.S. Navy has been using the tiny, inhabited island of Culebra, Puerto Rico, as a target for Navy training activities. Despite repeated promises that all training activities will be shifted from Culebra, the Defense Department continues to raise one stumbling block after another.

In response to congressional initiatives, the Defense Department did replace the explosive warhead ammunition once fired regularly at Culebra and its keys with so-called puff rounds, but the danger to the Culebrans remains essentially unabated. What the Defense Department euphemistically refers to as puff rounds are metal projectiles weighing 55 pounds each which crash into Culebra and its environs at 2,800 feet per second or almost 2,000 miles per hour. With such a mass and traveling at this high speed each projectile has a piercing force equivalent to 2½ times that of a 270,000-pound diesel locomotive traveling at 220 miles per hour. Indeed, the Navy has indicated that it is incapable of hardening a site against a direct hit from such a puff round.

Thousands of these high-speed cannonballs and bombs continue to descend upon Culebra and its adjacent keys endangering Culebra's inhabitants and its wildlife.

On May 24, 1973, Secretary of Defense Elliot Richardson announced as his last official act as Secretary of Defense that he had decided "it would be in the long-range interest of the various parties to move the current Navy training activities by July 1, 1975, from the Culebra complex east of Puerto Rico to the uninhabited islands of Desecheo and Monito off the western coast of Puerto Rico." Subsequently, in the confirmation hearings of the current Secretary of Defense, Mr. James R. Schlesinger, the question was asked: "Do you accept and will you implement Secretary Richardson's decision to end U.S. bombing in Culebra by 1975?" For the record, Secretary Schlesinger answered:

> Secretary Richardson informed me of his decision on Culebra before he announced it, and I accept it as a policy designed, in Secretary Richardson's words, to "facilitate the continued long-term operation of the Atlantic Fleet Weapons Range and the Fleet Marine Force training area."

Secretary Richardson's decision had a caveat—congressional authorization and appropriation of funds to effect the transfer. Last year, Congress authorized and appropriated $12 million for this purpose in conjunction with the Military Construction Authorization and Appropriations Acts. I might note that this was not accomplished without difficulty, since the Navy never requested the funds required to carry out the transfer order. Without Senator HENRY JACKSON's initiative, the Navy no doubt would claim today that lack of congressional funding precluded the transfer.

But with Senator JACKSON's prodding, at an executive session of the House Armed Services Committee just prior to a House-Senate conference on the Military Construction Authorization Act of 1974, Secretary of the Navy Warner testified that former Secretary of Defense Richardson "directed the Navy to move those portions of the Atlantic Fleet weapons range used for naval gunfire support and air-to-ground weapons training from the northwest peninsula of Culebra and the Culebra offshore cays to the islands of Desecheo and Monito off the west coast of Puerto Rico in the Mona Passage."

In a letter to the counsel for Culebra and the Commonwealth of Puerto Rico, dated November 28, 1973, Secretary Warner confirmed that—

> The May 24 decision of Secretary Richardson . . . was, and remains, the official policy positions of the Departments of the Navy and Defense.

Early in the long history of congressional consideration of the Culebra issue, the Navy attempted to avoid transferring its training from Culebra by putting forward the argument that the transfer of naval training operations from Culebra to uninhabited islands in the Mona Passage between Puerto Rico and the Dominican Republic would jeopardize law-of-the-sea negotiations directed toward acceptance of a U.S. proposal for a right of free transit through straits. This issue was first raised in testimony before Congress by the Navy in June of 1970. After Congress considered this point and, nonetheless, legislatively mandated a study of alternatives to Culebra, Senator HENRY JACKSON wrote to President Nixon urging him to direct the White House staff and the State Department to "monitor the (Defense) Secretary's study and to review the recommendation before a formal policy on Culebra is adopted by the Department of Defense."

Accordingly, on December 15, 1970, President Nixon replying to a letter from Commonwealth Governor Luis Ferre, stated that the President was requesting that "the Secretary of State be consulted throughout the study period with respect to all aspects of the Culebra question pertaining to our foreign relations." The study that was undertaken in response to the statutory mandate and, presumably, with the participation of the Secretary of State concluded on April 1, 1971, that there was no basis in fact or law for the Navy contention regarding law of the sea considerations. This study concluded that there were suitable alternatives to Culebra.

Mr. President, I bring this out because the official action of the Department of Defense and the Department of State under the mandate of the Congress, under the direction of the President, has stated unequivocally that there was no basis in fact or law for the Navy's contention regarding the law of the sea considerations as a roadblock to the removal or the transfer of firing of bombs, rockets, and missiles at the Culebra site.

The study, therefore, concluded that there were suitable alternatives to Culebra.

I remind my colleagues that there are people living on Culebra and we continue to whack away at that island with bombs. The people there do not like it. Strange, is it not? Puerto Rico also does not like it, and the Congress has told the Department of Defense to take action. The Department of Defense through its previous Secretary of Defense has assured us of it, and the present Secretary has assured us of it—and nothing happens.

Now, Mr. President, this is not just this case, but there are other things that happened last year in the report of the Armed Services Committee directing the Department of Defense to take action. The action recommendations were not placed in the legislation because the Armed Services Committee is considerate of the Department of Defense and therefore put its recommendations in the report rather than in the law.

I must say, as one who wants to work with the Department of Defense, that I am getting tired of having the Department of Defense ignoring the admonitions and instructions of Congress as if, somehow or other, they were above us and did not have to pay any attention to policy directives from this Congress or from this Senate.

In October of 1971, Congress directed in the Military Construction Authorization Act of 1972 that the Secretary of Defense prepare: A detailed feasibility study of the most advantageous alternative to the Atlantic Fleet Weapons Range; $2.5 million was authorized and appropriated for this study and this study likewise concluded in October 1972, that there was no law of the sea problem and that transferring Navy activities to uninhabited islands in the Mona Passage would not impede navigation through the passage because it is wider than 70 miles.

Before reaching his decision on May 24, 1973, Secretary Richardson reviewed the lengthy history of the Culebra problem, the two Defense Department studies and he consulted the Department of the Navy. As a former Under Secretary of State, Secretary Richardson was uniquely knowledgeable about our law of the sea negotiations as well as the actual state of pertinent present-day international law. He specifically considered law of the sea questions and concluded that the transfer of Navy activities to the Mona Passage created no significant problem.

Following Secretary Richardson's decision in May of 1973 I joined with Sen-

ators JACKSON, BAKER, KENNEDY, and HUGHES in introducing S. 1897, a bill to authorize the appropriation of such funds as may be necessary to effectuate the transfer of all naval weapons range activities from the island of Culebra to the islands of Desecheo and Monito not later than July 1, 1975.

On October 11, 1973, the Department of the Navy on behalf of the Department of Defense and with Office of Management and Budget clearance on behalf of the entire administration supported enactment of a modified version of this bill. The suggested modification did not differ from the original proposal as to the new site for the training range in the Mona Passage.

One would have thought that the alleged law of the sea issue would have been fully disposed of but on November 8, 1973, at the urging of the Defense Department, Mr. John Norton Moore, Chairman of the National Security Council Interagency Task Force on the Law of the Sea, appeared as a surprise witness at the executive session of the House Armed Services Committee literally moments before the committee members went into conference on the Military Construction Authorization Act of 1974. Mr. Moore raised the same, worn law of the sea argument that had been so thoroughly considered and rejected before. Apparently this was a last-ditch effort by the Navy to thwart the move it had been ordered to make. The Congress rejected Mr. Moore's argument as the administration had rejected this argument before. Congress enacted statutory language that clearly contemplated transfer of Navy operations to the Mona Passage.

This statute required the Governor of Puerto Rico and the Secretary of the Navy to enter into a written agreement regarding the transfer. The Governor repeatedly expressed his desires to enter into such an agreement at the earliest possible moment, but the Navy continued to hedge in the hope it could reverse the transfer decision.

On November 29, 1973, Mr. Moore reargued his law of the sea point in a letter to the Secretary of Defense. These fellows do not give up easily: They have gone through two Secretaries of Defense now, a couple of Secretaries of State, one or two Under Secretaries of State and Defense, and they still come back. I suspect that this letter might have been solicited by the Navy. When it became apparent on March 7, 1974—get that date—that the Governor would not yield, officials of the Defense Department alerted Mr. Moore to the fact that the Secretary's decision would finally have to be obeyed unless Mr. Moore could succeed in derailing the transfer. In other words, after 3 or 4 years now—4 years—of prodding, they finally said, "Well, it looks like we are going to have to give in. We may have to listen to Congress."

This, in turn, prompted Mr. Moore to generate a letter from Secretary Rush at State to Secretary Clements at Defense on or about April 18, 1974. This letter once again raised the same tired law of the sea issue that had been fully considered and disposed of by the Defense Department and by Congress, but in the rush to derail the Culebra transfer the State Department failed to consult a map or even to consult the Navy as to what was planned for the Mona Passage.

The free transit proposal of the United States is an attempt to maintain channels of high seas freedom of transit in straits that will be completely foreclosed by overlapping territorial waters under a 12-mile territorial waters regime. These are straits that are 24 miles wide or narrower. In fact, the straits at issue in the Mona Passage are wider than 24 miles and would provide deep water, high sea channels for transit even with an extension of territorial seas from 3 to 12 miles as proposed by the United States. Thus, if State Department officials had consulted a map or even ordinary geography, or gotten hold of one of the innumerable maps that clutter their walls, they might have realized that the free transit proposal is not even germane in the context of the Culebra transfer unless the United States is prepared to make a much broader free transit proposal than has been made to any other nation to date.

Mr. President, I have a legal memorandum on this matter and in order to save time I ask unanimous consent to have it printed in the RECORD. It relates to the Defense Department refusal to go forward with the transfer of naval training on Culebra.

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

MAY 17, 1974.

MEMORANDUM: DEFENSE DEPARTMENT REFUSAL TO GO FORWARD WITH TRANSFER OF NAVY TRAINING FROM CULEBRA

Notwithstanding:

1. Secretary Richardson's decision of May 24, 1973, to transfer all naval training activities from the Culebra complex to the uninhabited islands of Desecheo and Monito by July 1, 1975;

2. Secretary Schlesinger's reaffirmation of this decision during his confirmation hearings in June of 1973;

3. Congressional authorization and appropriation of $12 million for the transfer, enacted into law as part of the 1974 Military Construction Authorization and Appropriation Acts; and

4. A public announcement by the Navy on April 2 of this year that the Navy had reached substantial agreement with the Commonwealth on the transfer of target practice from the Culebra complex to Desecheo and Monito, on May 8, 1974, the Navy broke off negotiations with the Commonwealth Government regarding relocating its Culebra training complex to the Mona Passage citing instructions from Deputy Secretary of Defense, William P. Clements. Mr. Clements was acting in response to a letter he received from Deputy Secretary of State, Kenneth Rush, on or about April 18, 1974.

Secretary Rush's letter suggested that the Navy transfer would affect adversely the United States' free transit proposal in Law of the Sea negotiations. This position was first raised in Navy testimony in June of 1970. There followed legislation mandating a comprehensive study of alternatives to Culebra. President Nixon wrote in December of 1970 that he was requesting that "the Secretary of State be consulted throughout the study period with respect to all aspects of the Culebra question pertaining to our foreign relations . . ." The alleged Law of the Sea issue was fully addressed and rejected in this and a subsequent Defense Department study for which $2.5 million was appropriated. It also was specifically considered and rejected by Secretary Richardson before he made his May 24, 1973, decision. At the time, Secretary Richardson had the benefit of having served as Under Secretary of State, in which position he shouldered the primary responsibility for Law of the Sea negotiations. Finally, this position was specifically raised in testimony before the House Armed Service Subcommittee on November 8, 1973, immediately preceding a Conference Committee decision to go forward with the transfer.

Secretary Rush's letter, which was solicited by the Department of Defense representative on the Interagency Task Force on the Law of the Sea, was based on factually inaccurate assumptions and failed to take account of the way in which a decision to hold up the transfer could seriously undermine the United States negotiating position in Caracas.

The factually inaccurate assumptions are two:

1. The State Department assumed that the straits at issue in the Mona Passage were or would become international straits, *i.e.*, that these straits were less than 24 miles wide and thus would be completely filled by overlapping territorial waters if the United States proposal for a 12-mile territorial water regime were adopted. In fact, and as now has been confirmed by Dr. Robert D. Hodgson, the State Department geographer, each of the straits at issue in the Mona Passage is in excess of 24 miles wide. Significant shipping passes only through two straits in the Mona Passage—Monito-Dominican Republic and Monito-Desecheo. Monito is 30.45 miles from the Dominican Republic and Mona is 26.3 miles from Desecheo. Accordingly, a 6.45 mile high seas channel will remain in the Monito-Dominican Republic strait and a 2.3 mile high seas channel will remain in the Monito-Dessecheo strait even if the 12-mile territorial water proposal is adopted. Thus, the free transit proposal of the United States, which is an attempt to secure channels of high sea freedom of transit within straits that are filled or will be filled by overlapping territorial waters, would not be pertinent in the case of the Mona Passage.

2. The State Department and, indeed, the Defense Department representative on the Interagency Task Force on the Law of the Sea assumed incorrectly until the week of May 13th that Navy activities contemplated for the Mona Passage would require the extensive safety zones depicted in a Navy "Plan 1" prepared in January of this year. In fact, these Plans were substantially modified and the safety zones in question were significantly reduced in size in the Navy's "Plan 1 Updated" transmitted to the Governor of Puerto Rico on April 9, 1974. Under the corrected and updated Plan, even if all activities contemplated by the Navy in the Mona Passage were conducted simultaneously, which is quite unlikely, and even if a 12-mile territorial regime were adopted, there still would remain available for navigation deep water channels entirely in high seas outside of territorial waters and outside of all safety zones. Thus, the current Navy Plan would not impede navigation and would adequately provide for free transit through the Mona Passage.

A decision to prohibit the transfer of Navy activities from Culebra to Desecheo and Monito on the theory that such a transfer would somehow run afoul of this country's free transit proposal could, itself, adversely impact upon the Caracas negotiations:

1. The free transit proposal of the United States, if agreed to, would require coastal states to provide channels of free transit through their territorial waters in international straits. If the United States should

block its own use of territorial waters and limited portions of high seas in the two straits in the Mona Passage when they use it and Puerto Rico contemplate would have left channels open for free transit in both straits, other coastal states would then have a basis for their concern about the breadth of the United States proposal. The United States has never before suggested to coastal states that the free transit proposal will not only require them to provide channels of free transit through their territorial waters in international straits which are filled by overlapping territorial waters, but also will prohibit such coastal states from engaging in activities in their own national security interest within their own territorial waters or high seas in straits that exceed 24 miles in width, even when such activities do not impede free transit through straits and even when high sea channels of free transit remain available in such straits. The coastal states undoubtedly will recognize that what the State Department denies to Puerto Rico and the United States, today, it may well deny other coastal states in the future.

2. Unlike the straits in the Mona Passage, the strait known as the Virgin Passage between St. Thomas and Culebrita, just offshore of Culebra, will, in fact, become a true international strait completely filled by overlapping territorial waters if the twelve-mile territorial waters regime is adopted. If the United States position in seeking free transit is thought to be inconsistent with the transfer of Navy operations to Desecheo and Monito in the 70-mile wide Mona Passage, it is undeniably inconsistent with current Navy training activities at the entrance and exit to the heavily trafficked 8-mile wide Virgin Passage. These activities at the Virgin Passage have not received widespread public attention in the past, but any effort to abort the proposed transfer from Culebra, located as it is on the edge of the Virgin Passage, to the substantially wider straits in the Mona Passage would focus public attention on past and present impediments to navigation in the Virgin Passage. This, we submit, could prove far more damaging to the United States' free transit negotiating position than fulfillment of the longstanding and highly publicized United States commitment to the people of Puerto Rico to transfer Navy operations from Culebra and its keys to Desecheo and Monito.

3. Finally, there is the ultimate question of the credibility of the United States. If a longstanding congressional and Executive formal commitment of the United States to the people of Puerto Rico is cast aside for the sake of negotiating expediency, without basis in fact or law, it could undermine the credibility of the United States not only to the people of Puerto Rico, but also to all the nations participating in the Law of the Sea Conference.

Mr. HUMPHREY. Mr. President, it has also been determined that officials at the Defense Department as well as at the State Department were laboring under a misconception as to the size of danger zones required for Navy activities in the Mona Passage. On April 9, 1974, the Navy developed maps which indicate quite clearly that the Navy training projected for the Mona Passage will not impede navigation but the Defense Department and the State Department were moving to derail the transfer on the basis of outdated maps depicting much larger danger zones, that even the Navy had disavowed.

When he received the letter from Secretary Rush that had been stimulated by his own Department, Secretary Clements abruptly ordered the Navy to break off negotiations with the Commonwealth, even though the Navy had publicly announced on April 2, of this year, that "substantial agreement" had been reached with the Commonwealth regarding the transfer of Navy training from the Culebra complex to uninhabited islands in the Mona Passage.

Secretary Clements referred the "new" law of the sea issue to the Under Secretary's group of the National Security Council, implying that this country's commitment to the people and government of Puerto Rico might not be kept.

Ironically, although the contemplated transfer of Navy operations to the Mona Passage is fully consonant with existing law of the sea, the effort to thwart this transfer could have disastrous consequences for our law of the sea negotiations.

Senator KENNEDY ordered a hold on the confirmation of the nomination of the new Secretary of the Navy pending clarification of the Defense Department's intentions regarding the Culebra transfer. I understand that Secretary of Defense Schlesinger wrote to Senator KENNEDY on June 1, 1974:

> Please be assured that there has been no change in the position I stated in my nomination hearings. The commitment of moving weapons firing from Culebra will be honored by the United States.

But, Mr. President, has it been honored? That is the problem. We get an awful lot of this around here. I think it is high time that Congress makes sure that this is accomplished, in accordance with Secretary Richardson's decision and with the reaffirmation of that decision by Secretary Schlesinger.

Since Secretary Richardson's decision carried with it a specific timetable and alternative, and since Secretary Schlesinger reaffirmed his endorsement of Secretary Richardson's precise decision at his confirmation hearings and again in his recent letter to Senator KENNEDY, I hope that the Defense Department will not stand in opposition to an amendment to the Military Procurement Act that I have just submitted, together with other of my colleagues, to assure Puerto Rico and all the concerned citizens of the United States that this commitment of our Government finally will become a reality.

Mr. President, this amendment follows the language of what Secretary of Defense Richardson said would be the policy. This amendment further follows the general commitment made by the present Secretary of Defense, Mr. Schlesinger.

I might add that the Commonwealth of Puerto Rico, using the law firm of Covington and Burling as counsel to the municipality of Culebra, special counsel to the Commonwealth of Puerto Rico, has filed an executive document in support of the argument I am making here today.

The only argument that the Navy is using is that the law of the sea issue stands in the way. There is not one bit of evidence to support that claim, except the assertion of the department spokesmen time and again that this is the problem.

I might add that there is an almost unlimited number of news stories. In the San Juan Star of Friday, May 31, 1974, is the headline "White House Aid Pledged in Culebra Case." The White House pledged on Thursday to do what it could to help get the Navy out of Culebra. Do what it could? I thought the President was Commander in Chief. All he has to do is to say "Get out. Pack up your toys and go home. Quit firing those bombs at that island inhabited by fellow Americans."

Instead of that, they say that they will look into it and do what they can to help get the Navy out of Culebra.

I want the Senate to remember that during the Middle East crisis, the President did what he could when he alerted forces of the United States worldwide. I supported him in that. But he was Commander in Chief then, and I suggest that he be so now. I know that that is what he wants to do. He has said so several times. But somebody in the National Security Council Interagency Task Force gets in the way. Whenever you get a title as long as the National Security Council Interagency Task Force, you can rest assured that you are going to get your feet tangled up. You can rest assured that that is nothing more or less than a descriptive phrase for saying halt, stop, retreat, back up, or be frozen in the ice of your own indifference, as somebody once said.

I am not going to burden the RECORD with all these news stories. I believe there are Senators here today who feel as strongly about this matter as I do, and I feel strongly about it for several reasons. As a Senator I gave a commitment on this matter. I do not have Puerto Rico residents in Minnesota. It is not a political issue up my way. But I do think that the United States of America ought to keep its word, and I think we ought to quit shooting at our own people. If we have to shoot somebody, let us find somebody else. I am not even advocating that.

If there were no other place to test the weapons, we could argue about it. But there are other places, and those other places have been selected as suitable alternatives by the Department of Defense, and they have been placed before the appropriate authorities. But the Navy wants to hold off, and somebody in the State Department wants to hold off.

I am insisting that the Senate give an order. I know that the word will come now that there will be a date certain, and I think that is true. I think the Navy will finally yield. I have heard the argument here that the way to bargain with the Russians is from strength. The way you bargain with the Navy and the Defense Department on these issues is from strength.

We have had a number of issues here in which the Defense Department has not followed through in reference to the proposals and the suggestions and the advice and counsel of the Senate, and indeed has done a pretty poor job of following through on some of the mandates. It is on that basis that I press this amendment, even though I realize that by the time both Houses have acted on

the measure before us, the Navy might very well have capitulated, so to speak, or, to put it more gently, started to obey the law.

May I suggest just one old-fashioned idea: Why do we not start to obey the law? I believe that if we do, we will not have to take this much time.

I yield the floor, for whatever response there may be.

Mr. STENNIS. Mr. President, will the Senator yield for a question or two?

Mr. HUMPHREY. Of course.

Mr. STENNIS. I did not hear the Senator's remarks completely. I was trying to make a telephone call on this subject.

Did the Senator say that the date in his amendment, June 30, 1975, was the date that former Secretary of Defense Richardson——

Mr. HUMPHREY. No. I said it was within the general frame of it. That was, I believe, December 1975. I will not argue over 6 months.

Mr. STENNIS. I am not arguing about a difference in time such as that. But what did Secretary Richardson say?

I want to say to the Senate that this is completely a surprise to me. I asked the Senator if he would put the matter off until we had time to look into it, but he wanted to bring it up this afternoon. There has not been time. There is nothing in our bill about it. I am just trying to learn some of the facts.

Mr. HUMPHREY. I will respond to the distinguished Senator.

May I say that the work that has been done on this amendment has been carefully undertaken, and the documentation is here.

I quote from the May 24, 1973, action of Secretary of Defense Elliot Richardson. As his last official act as Secretary of Defense, he decided:

> It would be in the long range interest of the various parties to move the current Navy training activities by July 1.

I was wrong——

> 1975, from the Culebra complex east of Puerto Rico to the uninhabited islands of Desecheo and Monito off the western coast of Puerto Rico.

Then, when Dr. Schlesinger was here to be questioned for the confirmation of his nomination, the question was asked:

> Do you accept, will you implement, Secretary Richardson's decision to end U.S. bombing in Culebra by 1975?

For the RECORD, Secretary Schlesinger answered:

> Secretary Richardson informed me of his decision on Culebra before he announced it, and I accept it as a policy designed, in Secretary Richardson's words, to "facilitate the continued long-term operation of the Atlantic marine weapons range and the first marine training area."

So both of these Secretaries have made a commitment, as did, by the way, the State Department originally make a commitment.

Then this task force came in, the Security Council task force to which I referred.

By the way, I traced a series of actions by different Senators. For example, we know that Senator JACKSON took a great deal of interest in this matter. Last year, Congress authorized and appropriated $12 million for the purpose of this transfer from Culebra, in conjunction with the Military Construction Authorization and Appropriations Act.

Then, the Senator from Washington (Mr. JACKSON) wrote to the President in reference to this matter. In a letter to the consul for Culebra and the Commonwealth of Puerto Rico dated May 28, 1973, then Secretary of the Navy Warner confirmed that the May 24 decision of Secretary Richardson was and remains the policy decision of the Department of the Navy and the Department of Defense.

What is that decision? To be out of Culebra by July 1, 1975. I believe the amendment calls for the date of June 30. For all practical purposes, it is the same, with a different of 1 day.

So the entire record is one of commitment by the Department of Defense. I have a feeling they are going to keep that commitment. But since we have been at this since 1970, and in considerable detail since 1972, that we should mandate it in the legislation. We did mandate the money. We authorized and appropriated $12 million to get this job done on the word of the Secretary of Defense. I do not know where the money is. However, $12 million was made available.

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

Mr. HUMPHREY. I yield.

Mr. STENNIS. If I may ask, when was that?

Mr. HUMPHREY. Last year, in the act of 1974, the Military Construction Act.

Mr. STENNIS. Mr. President, I yield myself 10 minutes in order to go into this matter.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. I wish to address a question now to the distinguished Senator from South Carolina.

With reference to line 3 on page 2, the Senator mentioned the words "or at any keys within 3 nautical miles thereof." With reference to an amendment the Senator had in mind offering, would the Senator from South Carolina question the Senator from Minnesota on that matter now and maybe we could settle that part.

Mr. THURMOND. Mr. President, I think it would be better if we had postponed this amendment and provided a little longer opportunity to negotiate in this matter.

I understand there are two rocks down there that are used for targets, just two rocks. There should not be any objection to exempting those. That would probably take care of that situation.

There have been negotiations underway there in connection with moving out of Culebra to consider Vieques as a training site. I wonder if the distinguished Senator would be agreeable to exempting Vieques from the amendment.

Mr. HUMPHREY. The what?

Mr. THURMOND. The acres, but it is spelled V-i-e-q-u-e-s.

Mr. HUMPHREY. I do not believe that is here? Is it? There is no such language in my amendment.

Mr. THURMOND. Excuse me. That is some miles away. Forget that.

Mr. HUMPHREY. Yes.

Mr. THURMOND. If the distinguished Senator will accept an amendment to "or at any keys within 3 nautical miles." I think that would relieve the situation or there could be some further negotiations, and leaving those rocks for practice. They need those rocks for training sites.

The other thing was, if the date could be set back from 1975, set back 1 year.

Mr. HUMPHREY. That is what the distinguished Senator from Mississippi was just suggesting.

Mr. THURMOND. If the Senator could accept those two amendments, although it is not to my liking I think this might be a reasonable compromise. I realize it is an emotional issue and I realize it is one on which the Senate is greatly divided and on which Congress is greatly divided. Some people are opposed to this and on the other hand some want to go the other way.

Mr. HUMPHREY. Mr. President, I say to the Senator that I want to be a reasonable man and hopefully I will continue to be one all my days here. But first of all these keys we talk about are in the danger zone. That is by the description of earlier Department of Defense analysis. That is why there must be some protection. If we adopt this amendment they can go to conference if there is any suggestion that any of these keys are not necessary. I am not arguing about every dot and dash. But the Department made an elaborate study. It spent $2.5 million to study this little area. They should follow through on what they originally planned to do.

We have the date of June 30, 1975. That is the date suggested better than a year ago. That was suggested by Secretary Richardson on May 24, 1973, slightly over a year ago. I think there has been lots of time. I will not argue for another 6 months. I would be willing to make that December 31, 1975, and that gives them another year and a half.

They spent millions of dollars looking this matter over and two Secretaries of Defense have said, "Yes, that is what we are going to do." The Secretary of State said, "Yes, that is what we are going to do." The President told them he wanted the Secretary of State consulted. He was, and they agreed on everything.

Then, all at once they come around at this late hour on this late date and they find somebody over at the National Security Council who comes in with an argument that has been voted down three or four times. Finally, they got the Under Secretary of State to send another letter to Deputy Secretary Clements, and all of this is going on and on.

All of these legal issues could be resolved. As a matter of fact, the Governor of Puerto Rico and the Secretary of the Navy had come into substantial agreement. That is exactly what was announced by one of our departments here. I think the Department of Defense announced that they had come to substantial agreement. I have the memorandum of the Secretary of the Navy about Culebra, which is the one endorsed by Elliot Richardson.

Mr. President, I ask unanimous consent that the memorandum may be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
*Washington, D.C., May 24, 1973.*

Memorandum for the Secretary of the Navy.
Subject: Culebra.

As you know, during my confirmation hearings before the Senate Armed Services Committee in January, I indicated that I would look into the Culebra situation. In keeping this pledge, I have reviewed the lengthy history of this problem and, in particular, the views of the Department of the Navy.

In my judgment, it would be in the long-range interest of the Department of Defense to move the current Navy training activities by July 1, 1975, from the Culebra complex to the islands of Desecheo and Monito, provided:

1. That the Congress authorizes and appropriates the funds required; and

2. That a satisfactory overall arrangement can be worked out with the Government of Puerto Rico for carrying out the proposed move and for insuring the long-term continuation of the Atlantic Fleet Weapons Range and the Fleet Marine Force training area.

Until these provisions are met, and the requirements of Section 1022c of the National Environmental Policy Act of 1969 are satisfied, current Navy activities in the Culebra complex must continue.

I realize that this decision may create certain operational difficulties, but am confident that these will be of short-term nature and can be alleviated by careful planning and adjustment of Atlantic Fleet requirements.

It would be appreciated if your time-phased plan for implementing this decision were submitted to the Secretary of Defense by July 1, 1973.

You are also requested to keep him currently informed of the progress being made.

E.L.R.

Mr. HUMPHREY. Mr. President, the memorandum states in part:

In my judgment, it would be in the long-range interest of the Department of Defense to move current Navy training activities by July 1, 1975, from the Culebra complex to the islands of Desecheo and Monito provided Congress authorizes and appropriates the funds required.

We did. We authorized and appropriated $12 million.

Provided an agreement can be worked out with the Governor of Puerto Rico.

If we go on this amendment to December 31, 1975, that would be a year and a half, and 2½ years from the time Elliott Richardson said, "We are prepared to do it." If the Navy cannot act that fast they ought to sink them.

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

Mr. HUMPHREY. Mr. President, I yield to the distinguished Senator from Tennessee who has been a prime mover in this area.

Mr. BAKER. I thank the Senator from Minnesota.

Mr. President, I rise to say that I applaud the Senator for offering the amendment. I fully support the amendment and I think it should be passed.

I think we must be emphatic and make the record entirely clear that we mean business and that we need to get on with the business of honoring commitments we have made through this administration and previous administrations to the Commonwealth of Puerto Rico.

I do not know of any other issue involving the United States and Puerto Rico where the present Governor and his administration, and the mayor and government of San Juan all agree on the same issue, and that is that the Navy ought to get out of Culebra.

Mr. President, I went to Culebra and visited there personally. I know what is involved. I went there as a guest of the Navy. I have seen the situation first hand. After I saw it I personally took the Governor of Puerto Rico to see Secretary of Defense Richardson, where a presentation was made which produced the agreement announced by Secretary Richardson as one of the last acts he took before he left that office as Secretary of Defense.

I applauded him publicly and privately for doing that very thing, which was right. This is important for the relations of the United States and Puerto Rico. It is a unique relationship based on trust and honor, and it is time for us to honor that trust.

I think we ought to get on with the business. It is not productive for me to repeat the arguments that have been appropriately and accurately made by the distinguished Senator from Minnesota. I agree with him. I applaud him for his proposal of this measure, and I have pledged him my support for this amendment.

Mr. HUMPHREY. I do thank the Senator from Tennessee. I do want the record very clear that my interest in this amendment was in part generated by discussions with the Senator from Tennessee. We joined together in the legislation for the authorization of an appropriation of $112 million——

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

Mr. HUMPHREY. I yield.

Mr. BAKER. Will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. BAKER. I do indeed recall that. I recall the enthusiasm with which the Senator from Minnesota embraced the cause and how proud and glad I was to join with him in pressing for what I think was an accomplishment to end an historic conflict between Puerto Rico and the United States.

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

Mr. HUMPHREY. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to say that if we take this action it is going to weaken somewhat our negotiating position in that area. On the other hand, I can understand the emotional issue about this question. I have been down there. I have seen it. I do not think it is as drastic as some have talked about it and agitated about it.

On the other hand, as I understand it, the Senator is willing to change the date to July 31, 1975.

Mr. HUMPHREY. May I say to the Senator that I am one of the sponsors——

Mr. THURMOND. I mean December 31.

Mr. HUMPHREY. I find that I have some cosponsors who are not willing to change that date. Just looking over what we have here, the Senator from Washington (Mr. JACKSON), for example, in his letter to the Secretary of Defense, Mr. Richardson, was very adamant about that date, July 1. I have in hand an article that appeared in the Washington Post, dated May 23, 1974, which talked about the shelling of Culebra.

Mr. THURMOND. It is going to take a little time to negotiate to get the new training center. I think it would be reasonable if the distinguished Senator would change it to December 31, 1975, because it will take some time to move the training facilities and make arrangements, and things of that kind. If the Senator wants to stand by his original offer of December 31, 1975, we would take the amendment to conference. It is understood, of course, that the Senator also said that if there were keys there which could be used, where there would be no danger to humans being injured in that area, there would be no objection.

Mr. HUMPHREY. I cannot change the language on the keys. That is a danger area. We have made a study of it. We are not talking about something here that is a quickie. We are not talking about an amendment that just came out of the typewriter. This has been discussed and considered for 4 years.

Mr. THURMOND. What was the Senator's statement of a few moments ago? He made a statement along that line.

Mr. HUMPHREY. No. I said many of the keys were within the danger area, and therefore they must not be excluded from this amendment.

Mr. THURMOND. If they were to be within the danger area. Are there any keys that are not within the danger area? I got the impression it was not necessary——

Mr. HUMPHREY. I do not want to take any language out of the amendment that would leave any possibility of shelling in the keys that might very well be inhabited or might be in the danger area. This language is very specific. The Navy understands this language.

There is nothing new about it. The amendment merely says the Department of the Navy shall not have funds for training operations at the Culebra complex involving the firing of any shells, missiles, or other projectiles from ships, or at any of the keys within 3 nautical miles thereof.

That is 3 nautical miles of Culebra, and 3 nautical miles of Culebra might very well be in the danger area. They are inhabited, and because they are, we cannot tamper with them.

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

Mr. HUMPHREY. I yield.

Mr. HUGHES. I have heard this issue discussed ever since I have been in the Senate, and every year since I have been on the Armed Services Committee the issue of Culebra has come up. I do not know how many bills I have sponsored on Culebra, and I do not know how many times we dealt with this difficult question. I thought it was over. The Secretary

of Defense agreed to it. The President agreed to it. The committee agreed to it. Here we are talking about it again. Talk about a cat with nine lives.

Now we are talking about dropping bombs 3 miles away. That is great for wrecking sleep, not to mention injuring or killing people. We agreed to get out of there. We agreed to leave.

As far as extending it 6 more months is concerned, they have had 5 years to prepare the way and know where they were going and know what they were going to do. I would not amend the amendment one more day. I suggest it ought to be left at June 30. That is where it ought to stay. They ought to quit bombing at Culebra by June 30. Let us go that way. Otherwise we ought to have a vote. I think every member of the Senate has committed himself on this issue.

I thank the Senator for yielding.

Mr. HUMPHREY. Mr. President, I thank the Senator.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STENNIS. Mr. President, will the Senator suspend for just a moment?

Mr. MANSFIELD. Mr. President, were the yeas and nays ordered?

The PRESIDING OFFICER. There was not a sufficient second.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The yeas and nays were ordered.

The question is on the amendment.

Mr. STENNIS. Mr. President, may I make a suggestion here? This matter is very confusing. I know it is confusing to the membership. If I may make a practical suggestion, I think these gentlemen should confer further, and we could take another amendment up in the meantime and come back to this one.

I requested that this matter be held up until the morning, until we could advise the Senate. They brought it up, anyway. I asked for a quorum call to look it over, and that was rejected. If we could get unanimous consent to have a conference, we could take up another amendment and come back to it this afternoon.

Mr. HUMPHREY. Mr. President, if the Senator will yield, I do not want to be put in a position of appearing to be stubborn or irresponsible. If this were new, it would be different, but we have been up and down this road until we can travel the road blindfolded.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that further proceeding of the quorum call be suspended.

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

Mr. STENNIS. Mr. President, may we have quiet in the Senate?

The PRESIDING OFFICER. The point is well taken. The Senate will come to order. The Senate Chamber will come to order. Those people who are conversing will remove themselves from the Chamber.

The Senator may proceed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that in the last line of the amendment the date of June 30, 1975, be changed to December 31, 1975.

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

Mr. HUMPHREY. The yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. JACKSON. Mr. President, I shall be very brief, but I would like to make a short statement on this important issue.

As the Senator from Minnesota described earlier, we enacted the current law requiring Culebra relocation in last year's military construction bill. I was terribly disappointed with last month's suspension of the negotiations that were taking place between the Navy and Gov. Fernandez Colon. This suspension was directed by the Defense Department at the State Department's request, but the rationale remains unclear.

I believe the amendment has been modified. As I told the distinguished Senator from Minnesota, who has so ably presented this matter to the Senate, I felt the June 30, 1975, date was an unrealistic date in light of the requirements that the Navy must meet in providing for and fitting out an alternative location. I believe this amendment as modified requires the transfer within a realistic period of time; it will also provide the stimulus to get this matter resolved without delay.

I think the Senator from Minnesota has read into the record the statement that I issued and the letters that I recently sent to the Secretary of Defense and the Secretary of State.

Mr. HUMPHREY. Indeed they were very strong letters.

Mr. JACKSON. Therefore, in conclusion I commend the Senator from Minnesota for his initiative in behalf of a number of colleagues in pressing this matter. I think this is a good resolution of the problem at this point and I commend him for it.

Mr. HUMPHREY. May I say to the distinguished Senator from Mississippi and the distinguished Senator from Washington, two of the Senators who will obviously be on a conference committee, the Senator from Mississippi was trying to contact the Navy and the Defense Department earlier.

If we were to have that date now of December 31, 1975, it is my hope the Senator from Mississippi will press for an even earlier performance, if it is feasible, and I am positive it is feasible, Senator.

As I told the Senator from Mississippi privately, one of the reasons why we, who are cosponsors of this bill—the Senator from Tennessee and myself, Senator BENTSEN, Senator KENNEDY, Senator JACKSON—are pressing on this is because we feel that this is one way to get the Navy to come to a decision.

I hope that our distinguished chairman, the Senator from Mississippi, who does such a magnificent job in handling these matters, will go to the Secretary of the Navy or go to the Secretary of Defense and say, "Look, let us not have any more of the foot dragging. Let us have it done."

If the Senator from Mississippi does that, there will not even have to be a conference.

Mr. STENNIS. Mr. President, I am on my own time. I yield myself 5 minutes and I will not take over 3 minutes.

Mr. President, this matter has been before our committee in one form or another for many years. At one time we asked staff members to go down there and make a special study.

We handled the bill last year, that is, the appropriations bill, and put $12 million in to make this change.

The former Secretary of the Navy said "We are going to do it," and gave a date, and that was for approximately the date the Senator from Minnesota has.

The present Secretary of the Department of Defense came in and affirmed that date, approximately. So there has been a commitment here.

Moving the date forward to December 31, 1975, helps the situation. I want them to have time to negotiate or whatever time is necessary for these conferences. But our committee has given the matter attention even though it is not in this year's bill—$12 million was appropriated last year, with the consent of our committee, so that the money is lying there.

The Senator he says wants the Senator from Mississippi to take this up with the Secretary of the Navy. Well, the Senator from Mississippi wants us to have a Secretary of the Navy. We have not had one now for some weeks. The nominee is a very fine man who had been serving as Under Secretary, now he is Acting Secretary. He has now been nominated, and we have held a hearing and his name is here on this calendar, but it is held up because of Culebra.

I want to get that matter settled so we can put the man in office over there.

He seems to meet all of the qualifications. No one has objected to him. I am not trying to bind the Senator from Minnesota, but so far as he is concerned, will this settle the matter about the nomination and the confirmation, if I may ask the Senator that? If he would rather not go into it, that is all right.

Mr. HUMPHREY. May I just say to the Senator the easiest answer to all of this is merely for the Secretary of the Navy, or the man who has been nominated, to give us a date as to what he is going to do. He is going to have to give us one on the line.

This is almost childish, Senator.

Mr. STENNIS. I think it is fair to say that the committee agrees to this, and that is an understanding, and we then can get a Secretary of the Navy, let him go to work on this and many other problems that they have piling up.

Mr. HUMPHREY. Provided he tells us what he is going to answer. This date right here is the last date, December 31, 1975.

Mr. STENNIS. The Senator selected the date himself.

Mr. HUMPHREY. I wanted June 30, but I did it to accommodate a man of wisdom, the Senator from Mississippi.

Mr. STENNIS. The Senator modified his amendment himself.

Mr. HUMPHREY. I cannot speak for Senator KENNEDY, who has a hold on the Secretary of the Navy. I hope the Secretary of the Navy will come forward and give his answer.

Mr. STENNIS. Let me just get the Senator's idea. I am not trying to exact a promise.

Mr. HUMPHREY. I am not going to make a promise.

Mr. STENNIS. It may not be in his hands. It may be beyond him. I do not speak for the Senator from Massachusetts, but he understands we need someone in that office.

Mr. HUMPHREY. I agree with the Senator.

Mr. STENNIS. My guess is—and it is a guess—that he would not object to this date, and that that would satisfy him. Of course, I cannot guarantee what they will do, or that the conference will accept this, but I will certainly back it in every way I know how.

Mr. HUMPHREY. That is what I wanted the Senator to do, and that is why we changed that date, because with the Senator from Mississippi and the Senator from Washington, we know we can put it through conference. We have faith in them.

Mr. STENNIS. But I think I have a right to suggest that as to the nomination of the Secretary of the Navy, as far as Culebra is concerned, that will settle it.

Mr. HUMPHREY. It will not settle it for other Senators. It might settle it for the Senator from Mississippi and me, but I cannot speak for the Senator from Massachusetts.

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

Mr. STENNIS. I yield.

Mr. AIKEN. It is getting a little too complicated for me. I wonder what the Senator from Minnesota meant when he said the Senator from Massachusetts has a hold on the Secretary of the Navy.

Mr. STENNIS. He means it is held on the calendar. He is holding the nomination from being presented here on the Senate floor.

Mr. AIKEN. Oh.

Mr. STENNIS. Just holding the name, not the man.

Mr. AIKEN. I wondered what kind of a hold it was.

Mr. THURMOND. Mr. President, will the distinguished Senator from Mississippi yield?

Mr. STENNIS . I yield.

Mr. THURMOND. I just wonder if the Senator from Minnesota is saying that the Senator from Massachusetts is holding up this nomination until he gets an answer from the Secretary of the Navy agreeing to this Culebra situation. Is that what the Senator is saying?

Mr. HUMPHREY. Mr. President, may I say to my good friend from South Carolina, I will be very plain about it, the Senator from Massachusetts speaks for himself. The Senator from Massachusetts has asked the leadership to hold up on the nomination. That has been agreed to, as a common courtesy of this body, and the easiest way for that hold to be taken off is the way we do it in every instance. All the Secretary has to do is come in and testify what the facts are, what he is going to do.

Mr. THURMOND. I wonder how long he intends to hold it.

Mr. HUMPHREY. I cannot tell the Senator. I cannot say without conferring with the Senator from Massachusetts.

Mr. MANSFIELD. Mr. President, I do not think we ought to wait for the word of the Secretary of the Navy.

Mr. THURMOND. That is right.

Mr. MANSFIELD. We can set the date ourselves, and we do not need any Secretary of the Navy to tell us he will agree to a 6-month extension. Personally, I think the Senator from Minnesota is making a mistake in extending it 6 months, because the Navy, the Congress, the administration, and the President all have given their solemn word to the people of Puerto Rico and the people of Culebra.

So I would forget the Secretary of the Navy. If he cannot do it, nobody can.

Mr. STENNIS. That is right.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

Mr. MANSFIELD. Mr. President, first, with the Senator from Mississippi and the Senator from South Carolina present, I ask unanimous consent that following the disposition of the pending amendment, two amendments by the Senator from Iowa (Mr. HUGHES) be called up, and I ask unanimous consent that there be a time limitation of 10 minutes on the first amendment, to be equally divided, which I understand will be accepted as far as the amendment is concerned, and that on the second amendment there be a time limitation of 40 minutes on the amendment, 20 minutes to the sponsor of the amendment, and 20 minutes to the manager of the bill or whomever he may designate.

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

Mr. KENNEDY. Mr. President, I rise in support of the amendment of the Senator from Minnesota (Mr. HUMPHREY) to carry out the previous commitment of the Federal Government to the people of Puerto Rico and the island of Culebra.

That commitment dates formally from the May 24, 1973, statement by former Secretary of Defense Elliot Richardson that the Navy would transfer its aerial and naval embargment activities from Culebra to uninhabited island off the west coast of Puerto Rico by July 1, 1975.

The Secretary conditioned that agreement on congressional authorizations and appropriations for that transfer. Those funds were approved last year by the Congress. A second condition was that an agreement formalizing the transfer and insuring the continuing of the Atlantic Weapons Range itself would be completed with the government of the Commonwealth of Puerto Rico. On April 2 of this year, the Navy stated that a final agreement was near at hand.

Suddenly negotiations were broken off and a smokescreen was raised as to whether the commitment would be honored.

In recent correspondence with the Secretary of Defense I sought to obtain an assurance that the commitment to move from Culebra by July 1, 1975, would be honored.

I ask unanimous consent to have this correspondence printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KENNEDY. Mr. President, the first response did reiterate Secretary Schlesinger's previous confirmation of Secretary Richardson's May 24 statement as an official position of the Government with regard to leaving Culebra. However, he did not mention any commitment to leave by July 1, 1975, or by any specific date.

Since we have been seeking determination by the Navy training activities which threaten the people of Culebra since 1970, I felt that it was essential to seek a specific reaffirmation in writing of the Navy's intention to leave by a specific date. Therefore, on Monday I sent another letter to Secretary Schlesinger which concluded:

It is with this history in mind that I would appreciate receiving some assurance that your reaffirmation of a commitment to leave Culebra included a reaffirmation of the time table terminating July 1, 1975. If that is not the case, I would appreciate learning the specific date you do intend that the commitment be honored.

I have not received any response and I have been told by Defense Department officials that they do not believe the Department is able to give me any assurance that Navy operations will cease on Culebra and its adjoining cays by July 1, 1975, or any other specific date. For that reason I strongly support this amendment and urge its adoption.

EXHIBIT 1

MAY 31, 1974.

Hon. JAMES R. SCHLESINGER,
*Secretary of Defense, The Pentagon, Washington, D.C.*

DEAR MR. SECRETARY: I am writing to express my deep concern over recent decisions by the Defense Department and the Navy Department to break off negotiations with the Government of the Commonwealth of Puerto Rico concerning the transfer of Navy activities from the island of Culebra. That decision seemingly implies that the Federal Government is considering going back on its word to the people of Puerto Rico. It represents a rather cavalier attitude toward the people of Puerto Rico, an attitude that I have criticized in the past, and an attitude that can only lead to a deterioration in our relations with the Commonwealth.

The Congress last year not only endorsed the transfer to other sites of all target practice and training on the inhabited island of Culebra, but also authorized and appropriated the necessary funds to accomplish that purpose.

Now we learn that a potential affect on our Law of the Seas negotiating position—an issue which previously was considered in a Defense Department study and by former Secretary of Defense Elliot Richardson—has been used as the basis for suspending negotiations when final agreement was near at hand.

However, former Secretary Richardson, who had been directly involved with the Law of

the Seas negotiations in his previous post as Undersecretary of State, concluded after reviewing the matter that the proposed transfer to the islands of Monito and Desecheo was acceptable as an alternative to the continued use of the Island of Culebra.

I cannot conceive of the Defense Department and the Navy, after having made a commitment to the people of Puerto Rico—not once but several times—that it would cease the bombardment of the island of Culebra and cease the threat to the tranquility of the people of Culebra, now choosing to break their word.

I would appreciate receiving assurance that the agreement announced by Secretary Richardson on May 24, 1973, and reaffirmed by you in your nomination hearings will be carried through and the Navy will cease its use of the Island of Culebra as a target site by July 1, 1975.

Sincerely,

EDWARD M. KENNEDY.

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THE DEPUTY SECRETARY OF DEFENSE,
*Washington, D.C., May 30, 1974.*

Hon. HENRY M. JACKSON,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR JACKSON: This will acknowledge receipt of your letter of May 13, 1974 regarding the relocation of the Navy's Atlantic Fleet Weapons Range from the Puerto Rican island of Culebra to the islands of Desecheo and Monito in the Mona Passage, a strait used for international navigation between the Commonwealth of Puerto Rico and the Dominican Republic.

In making final preparations for the Caracas conference and taking into account current discernible world attitudes toward certain of the US stated positions, the National Security Council's Interagency Task Force on the Law of the Sea, which is charged with the responsibility for negotiating and achieving a free transit of straits regime, expressed its concern over the possible adverse effect which the establishment of a weapons firing range in the Mona Passage would have upon the credibility of the US, its negotiating position and the ability to achieve the right of free and unimpeded transit of straits at the conference.

The Under Secretaries Committee of the National Security Council, which is the appropriate instrumentality within the Executive Branch to resolve issues of this nature, will conduct its evaluation and make its determination before the Caracas conference convenes to ensure that the known intended use of the Mona Passage cannot be construed as in any way inconsistent with the vital US objective on straits transit.

The negotiations with the Commonwealth of Puerto Rico, which were centered solely on the establishment of the weapons firing range in the Mona Passage, were only temporarily suspended pending the results of the deliberations of the NSC Under Secretaries Committee. Moreover, it should be emphasized that the temporary suspension of negotiations relative to the Mona Passage is not to be construed as a repudiation of the US commitment to the people and Government of Puerto Rico to relocate the Navy's weapons range from the Island of Culebra. This commitment of removing the weapons firing range from Culebra will be honored by the United States.

W. P. CLEMENTS, Jr.

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U.S. SENATE,
*Washington, D.C., June 3, 1974.*

Hon. JAMES R. SCHLESINGER,
*Secretary of Defense,*
*Washington, D.C.*

DEAR MR. SECRETARY: I appreciate your response to my letter of May 31, 1974, concerning the recent development in which there is an appearance of the Federal Government breaking its commitment to end its use of the Island complex of Culebra by July 1, 1975.

I am relieved in part by your statement that "The commitment of moving weapons firing from Culebra will be honored by the United States." However, I am disturbed by the absence, either in your letter to me or in the letter you attached to Senator Jackson, of any statement as to when that commitment will be honored.

The commitment made by Secretary Richardson was specific. It stated that it would be "In the long-range interest of the various parties to move the current training activities by July 1, 1975, from the Culebra complex east of Puerto Rico to the uninhabited islands of Desecheo and Monito off the western coast of Puerto Rico." The date of July 1, 1975, is clear and the people of Puerto Rico understand from it and from your own commitment, that you have referred to, that an end to the Navy's use of the island would occur by next July.

The only two conditions raised by Secretary Richardson were the Congress authorizing and appropriating funds for the transfer and an agreement formalizing the transfer and insuring the continuation of the Atlantic Fleet Weapons Range itself. Congress did authorize and appropriate the funds last session and the Navy acknowledged on April 2 of this year that substantial agreement had been reached with the Commonwealth on the transfer.

Therefore, I am sure that you understand my concern regarding the timing of this transfer. My concern also relates to the experience I have had in following the relations between the Navy and Puerto Rico and Culebra since 1970. Whenever an indication of an amicable solution appears and the end of the Navy's use of the island seems likely in the not too distant future, the failure to obtain a firm date has meant the situation continues without change. It is with this history in mind that I would appreciate receiving some assurance that your reaffirmation of the commitment to leave Culebra included a reaffirmation of the time-table terminating July 1, 1975. If that is not the case I would appreciate learning the specific date that you do intend that the commitment be honored.

With appreciation for your prompt attention to this matter.

Sincerely,

EDWARD M. KENNEDY.

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The PRESIDING OFFICER (Mr. ABOUREZK). The question is on agreeing to the amendment (No. 1382) of the Senator from Minnesota (Mr. HUMPHREY). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

I further announce that, if present and voting, the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 230 Leg.]

YEAS—82

| | | |
|---|---|---|
| Abourezk | Dominick | McIntyre |
| Aiken | Eagleton | Metcalf |
| Allen | Eastland | Metzenbaum |
| Baker | Ervin | Mondale |
| Bartlett | Fannin | Montoya |
| Beall | Fong | Nelson |
| Bellmon | Goldwater | Nunn |
| Bennett | Gravel | Pastore |
| Bentsen | Griffin | Pearson |
| Bible | Gurney | Pell |
| Biden | Hansen | Proxmire |
| Brock | Hart | Randolph |
| Brooke | Haskell | Ribicoff |
| Burdick | Hatfield | Roth |
| Byrd, Harry F., Jr. | Hathaway | Schweiker |
| Byrd, Robert C. | Helms | Scott, Hugh |
| Cannon | Hollings | Scott, William L. |
| Case | Hruska | Stennis |
| Chiles | Huddleston | Stevens |
| Church | Hughes | Stevenson |
| Clark | Humphrey | Taft |
| Cook | Jackson | Talmadge |
| Cotton | Johnston | Thurmond |
| Cranston | Long | Tower |
| Curtis | Magnuson | Tunney |
| Dole | Mansfield | Weicker |
| Domenici | McClure | Williams |
| | McGovern | |

NAYS—0

NOT VOTING—18

| | | |
|---|---|---|
| Bayh | Kennedy | Packwood |
| Buckley | Mathias | Percy |
| Fulbright | McClellan | Sparkman |
| Hartke | McGee | Stafford |
| Inouye | Moss | Symington |
| Javits | Muskie | Young |

So Mr. HUMPHREY's amendment (No. 1382) was agreed to.

Mr. MANSFIELD. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I would ask that the amendments be reversed so that we can have a vote on the first one, if there is a vote. The second one, I understand, will be accepted.

Mr. President, will the Senator yield me 1 minute?

Mr. HUGHES. I yield.

Mr. MANSFIELD. Mr. President, I understand that the Defense Department and the AFL–CIO are carrying on a very strenuous campaign against the Mansfield amendment. I just think we ought to make it a part of the record. It seems that old soldiers never die. [Laughter.]

Mr. STENNIS. Mr. President, if the Senator will yield, it seems to me that everybody is working for the other side. So let us balance the record. [Laughter.]

Mr. HUGHES. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 4, line 9, strike out "$3,151,042,000" and insert in lieu thereof "$3,124,042,000, of which not more than $10,971,000 shall be available for (1) research, development, testing, and evaluation common to the Air Force air launched cruise missile (ALCM), and (2) basic technology (without prototype development) to preserve a future option for possible full scale development of the submarine launched cruise missile (SLCM) program".

Mr. HUGHES. Mr. President, a number of our colleagues are anxious to leave in order to catch airplanes, so I am going to be very brief.

Mr. President, my amendment would cut $27 million from the budget of the Navy's submarine launched cruise missile, or SLCM. Already, the Armed Services Committee has reduced the initial $44.9 million request by $7 million because of schedule delays.

The remaining funds, some $10,971,000, would be sufficient to continue activities which are common to the Air Force's air-launched cruise missile (ALCM), some of which is planned to be done by the Navy, as well as to continue basic research to preserve the option of full-scale development of an SLCM in the future.

Basically, this amendment would prohibit carrying the SLCM program to prototype development at this time.

This is the same position taken by the Armed Services Committee last year in deleting all funds for this program, although small amounts were restored in conference.

In its report to the Senate, the Armed Services Committee said:

The basic issue involves the question of the need for another strategic weapons system in addition to the major improvements provided by MIRV, the B–1, and Trident.

This year, the committee approved this program without discussion and noted in its report satisfaction with the redirected program.

Mr. President, although I did not raise this issue during the committee markup of this bill, I believe that last year's skepticism is still justified.

The SLCM is a costly, redundant, and unnecessary program at this time.

We will spend $64 million next year on the ALCM, which would at least complement and improve our existing strategic bomber force. The research and development alone on this program will amount to over $300 million.

The SLCM would also be costly, over $800 million for research and development.

The true military need for the SLCM is far from clear, since the operational requirement for such a missile has not yet been determined and approved. That paperwork is being done after the fact of full speed ahead on research and development.

Mr. President, I do not believe that we should embark on such programs until our military experts are convinced of the actual need for it.

The planned use of the SLCM is on our existing nuclear submarines, but even here it is not clear what advantages we would gain from these missiles.

If launched from our Polaris and Poseidon subs, the SLCM's would either reach their targets long after ballistic missiles or bombers, or else they would expose the positions of those subs before they had fired their missiles. I see no advantage in that case.

If carried aboard our attack subs, the SSN's, the SLCM's could be used only if those subs moved within range of likely targets, thus pulling them off their primary mission of hunting down enemy subs. And the problems of timing and exposure would remain.

One of the worst features of going ahead with this program is that it would be difficult or impossible to set verifiable limits on cruise missiles once they are developed. I do not believe that we should knowingly go ahead with such a program which risks undermining rather than encouraging a follow-on SALT agreement.

When we already have ICBM's, bombers, and our invulnerable nuclear subs, I do not see the need for another leg on our existing triad of strategic systems.

This amendment would not terminate the program, but would put it on the back burner by allowing only basic research and forbidding prototype development.

We can then wait and see what emerges from a future SALT agreement before plunging into another costly program.

Mr. McINTYRE. I yield myself 8 minutes.

Mr. President, the submarine-launched cruise missile program is one in which the committee has been extensively involved. It was largely through the efforts of this committee last year that the Department of Defense coupled the Air Force air-launched cruise missile with the Navy submarine-launched cruise missile in establishing a coordinated program, taking full advantage of the common technology involved in both programs. This concept of common technology is of extreme importance because it is the one way to go to conserve money and to avoid unnecessary overlap and duplication between the military services.

In this case, the Air Force and Navy systems will use common engine technology and common guidance technology, which will save millions of dollars in both programs, and this is all being done in a competitive environment to insure that the Government gets the best product at the lowest cost.

The proposed amendment, offered by the Senator from Iowa, reduces the amount recommended by the committee from $37,971,000 to $10,971,000. The reduction of $27 million represents the amount provided to initiate competitive development of the missile between the two candidate contractors. This would defer this competition until next year. The remaining $10,971,000 would be available to continue with the strategic cruise missile technology including work which is common both to the Air Force and Navy missiles.

Mr. President, this is developing a new weapon system. This is one of the many strategic initiatives we are really going all out on this year.

This is a new weapon system which will permit utilization of its existing nuclear-powered attack submarines as launch platforms for strategic missiles.

The submarine-launched cruise missile (SLCM) is sized for launch from a standard submarine torpedo tube. This missile takes advantage of new technology in small engines to obtain the long ranges needed to penetrate deep within a target country's interior from a launch point well offshore.

The Soviets have had SLCM's for a number of years, but their range has always been of a minimum type—250 to 300 miles. In this new program, we are envisioning putting in a range on these submarines, coming out of the torpedo tube, at 1,000 to 1,500 miles.

This new missile, with its low-altitude flight profile, will present a new challenge to existing missile defense schemes.

The new missile will fly at 400 to 500 feet and will be air breathing, over the surface, earth, or water. The SLCM thus complements existing and planned strategic weapon systems which rely upon ballistic trajectories or manned flight, adding a new deterrent capability to our national arsenal.

This SLCM development includes a tactical variant which, using the same basic technology, substitutes added weight of payload for fuel and range to provide an antiship missile deliverable to the maximum distances expected of submarine sensors. We can drop down its range from the 1,000 to 500 miles, or much less, to 200 or 300, while using the same basic technology.

Although sized to a submarine torpedo tube, the tactical missile could be deployed from sea and land surface systems should this capability be required in the future.

The SLCM development has progressed to the point of prototyping, and the fiscal 1975 budget includes funding for competitive prototype controls.

The SLCM program will add potent new weapons to highly survivable delivery platforms, a new element of strategic deterrence, and provide increasing tactical weapon standoff range against surface targets.

Mr. President, this program should not be terminated at this time. It is not a destabilizing weapon at all because of its very slow speed. This subsonic missile cruises about 400 to 450 miles an hour. It is not like a ballistic missile, with ranges of Mach 2 or 3, thousands of miles per hour or better.

This program improves the survivability of our deterrence because of the inability of the Soviets to cope with this system.

It strengthens our SALT II position, particularly since one of our negotiators indicates that the Soviets are ex-

tremely concerned about the inability to counter this particular missile.

If SALT II succeeds, we can hopefully arrive at that millennium and continue our SALT agreements of limitation of arms. Then, perhaps at that point, I would recommend that we reconsider the position I am stating here today as to the need so far as this range of 1,000 to 1,500 miles is concerned, although it may be continued as a tactical weapon.

So, Mr. President, we should not delay this development, and I urge the defeat of the amendment.

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

Mr. McINTYRE. I yield.

Mr. PASTORE. Is not the Senator actually saying that what we are dealing with here is a weapon that becomes below the level of detection by our adversaries? Is that not the majesty of this weapon?

Mr. McINTYRE. That is essentially correct, because one can approach a potential enemy not only with the ballistic missile range, the vehicles which come in and out of the atmosphere, but also, it travels, air breathing all the way, at 400 or 500 feet, at low trajectory.

Mr. PASTORE. When the Russians established their Tallinn system, the question arose at that time whether or not this was directed toward our bombers. The big question was: What do we do to come below the level of detection so that we could come in without being discovered and destroyed.

Mr. McINTYRE. The Senator is correct.

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

Mr. McINTYRE. I yield 2 minutes to the distinguished Senator from Colorado, a valuable member of the subcommittee.

Mr. DOMINICK. I thank the distinguished chairman of the subcommittee.

If my memory serves me correctly, I raised very serious questions about the survivability of the cruise missile, largely because it went so slowly that they could knock it down with a pistol or rifle, or whatever might be. I found out as we went on under the excellent leadership of the chairman, the Senator from New Hampshire, that I probably was not correct on that, and we did get the Air Force and the Navy to work together.

I can see how the Navy, if this gets deployed, could use this if we were attacked on the waterways around the world, because of its distance and very, very low altitude.

So I would say to Members of the Senate in the process of determining how they are going to vote on the Hughes amendment, we should decide if we are going to have a cruise missile or not. If we are not going to have a cruise missile vote for the Hughes amendment and if we are going to have a cruise missile as one weapon in our series of defense armaments, which is a research program between the Army and the Navy working together, Senators should vote against the amendment.

Mr. McINTYRE. I thank the Senator.

Mr. GOLDWATER. Mr. President, will the Senator yield for 1 minute?

Mr. McINTYRE. I yield 1 minute to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, I hope we will vote against this proposed amendment. One of the outstanding characteristics of a cruise missile, particularly one that is an air breather, and cruises at low altitudes, is that radar finds it almost impossible to locate the weapon because of what we call sea clutter on the radar scope, where weapons that low have clutter resulting from the reflection from the water.

It would be a very admirable weapon to be used below the surface, or launched surface-to-surface from ships, and it would be particularly valuable if we get into cruise missiles we hope to develop from aircraft.

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

Mr. McINTYRE. I yield 3 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment.

The Soviet Union has a variety of cruise missiles and cruise missile launching platforms. We should assume that some variants of these missiles have a strategic application. The development of the cruise missile would redress a potential monopoly in these weapons that the Soviet navy may enjoy and would provide a stabilizing counterbalance to this Soviet force. This system would add a new dimension to our strategic arsenal by providing a low altitude, low infra-red signature, low radar cross-section cruise missile that could be launched from existing submarine torpedo tubes. These missiles would be launched from outside the Soviet defense perimeter and would thereby, present a highly proliferated low-altitude attack to stretch and confound the Soviet defensive systems. The inherent invulnerability of the submarine platform would insure a survivable strategic force in reserve.

While the development has been oriented to a submarine torpedo tube as the primary launch mechanism, the submarine launched cruise missile could also be effectively deployed from sea and land surface systems should this capability be required in the future. The Navy is also interested in a tactical variant of the strategic weapon. This tactical derivative, using the same basic technology would, in effect, substitute a large high-explosive antiship payload for the smaller nuclear warhead and higher fuel weight of the longer range strategic missile.

Mr. President, the committee has examined this matter in some detail and believes it is a needed option for our naval forces.

I urge the pending amendment be defeated.

Mr. President, I ask unanimous consent that a fact sheet on the sub cruise launched missile be inserted in the RECORD.

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

FACT SHEET: SUBMARINE-LAUNCHED CRUISE MISSILE

NARRATIVE

The submarine-launched cruise missile is a torpedo tube-sized missile providing a long range, high accuracy strategic weapon delivery capability to existing submarines whose inherent quality of detection-resistance makes them highly survivable launch platforms. A tactical variant trades off fuel weight for payload and permits a standoff anti-ship missile which can be fired at ranges equivalent to the maximum detection distances predicted for submarine sensors.

The program is presently in the advanced subsystem design and development stage of concept validation. awaiting Congressional approval to proceed with prototype construction.

With Congressional approval, an option will be exercised in July 1974, to have the two airframe subsystem design and development contractors commence prototype development to conduct technology demonstrations in the areas of airframe and propulsion characteristics, range/payload capabilities, and reduced radar cross-section for both the strategic and tactical cruise missiles. To reduce risk, the two contractors will each demonstrate a different engine for the strategic version. Two guidance contractors (to be determined) will independently design, develop, fabricate, and test guidance sets for the strategic cruise missile. The Applied Physics Laboratory/Johns Hopkins University will assist in monitoring the guidance system design. Field activities will participate in warhead development, wind tunnel and shock analysis, system integration, and survivability analysis. The FY 75 budget request is the minimal funding that will allow a flyoff demonstration by mid-1976.

Mr. THURMOND. Mr. President, I would just remind Senators that this is a research program. It does not permit the Department of Defense to go into production. We feel it is a very important weapon. The Committee on Armed Services has gone into it in great detail and finds that it is badly needed.

I urge that the amendment be rejected.

Mr. STENNIS. Mr. President, I am solidly behind the provision in the bill with respect to this cruise missile. I am very glad that the item causing the delay was straightened out under the influence of the chairman of our subcommittee, the Senator from New Hampshire. We are getting along the way with a matter that will be highly important.

I hope the amendment is rejected.

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

Mr. HUGHES. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HUGHES. Mr. President, I could not extend my discussion because several Members wish to leave and because it was obvious when I called up the amendment that I was not going to win. However, my argument is in the RECORD against every argument made tonight.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment. 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 Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Delaware (Mr. BIDEN), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

The result was announced—yeas 18, nays 61, as follows:

[No. 231 Leg.]

YEAS—18

| | | |
|---|---|---|
| Abourezk | Hart | McGovern |
| Case | Haskell | Metcalf |
| Church | Hatfield | Nelson |
| Clark | Hathaway | Proxmire |
| Dole | Hughes | Randolph |
| Eagleton | Mansfield | Stevenson |

NAYS—61

| | | |
|---|---|---|
| Aiken | Domenici | McIntyre |
| Allen | Dominick | Metzenbaum |
| Baker | Eastland | Mondale |
| Bartlett | Ervin | Montoya |
| Beall | Fannin | Nunn |
| Bellmon | Fong | Pastore |
| Bennett | Goldwater | Pell |
| Bentsen | Gravel | Roth |
| Bible | Griffin | Schweiker |
| Brock | Gurney | Scott, Hugh |
| Brooke | Hansen | Scott, William L. |
| Burdick | Helms | Stennis |
| Byrd, Harry F., Jr. | Hollings | Stevens |
| Byrd, Robert C. | Hruska | Taft |
| Cannon | Huddleston | Talmadge |
| Chiles | Humphrey | Thurmond |
| Cook | Jackson | Tower |
| Cotton | Johnston | Tunney |
| Cranston | Long | Weicker |
| Curtis | Magnuson | Williams |
| | McClure | |

NOT VOTING—21

| | | |
|---|---|---|
| Bayh | Kennedy | Pearson |
| Biden | Mathias | Percy |
| Buckley | McClellan | Ribicoff |
| Fulbright | McGee | Sparkman |
| Hartke | Moss | Stafford |
| Inouye | Muskie | Symington |
| Javits | Packwood | Young |

So Mr. HUGHES' amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. In accordance with the previous order, the Chair recognizes the Senator from Iowa (Mr. HUGHES) for the purpose of calling up an amendment which is at the desk. The debate on the amendment will be limited to 10 minutes, equally divided between the Senator from Iowa and the Senator from South Carolina (Mr. THURMOND).

The clerk will state the amendment.

The legislative clerk proceeded to read the amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with, but that the amendment be printed in the RECORD.

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

The amendment is as follows:

At the end of the bill, insert the following new section:

SEC. (a) That portion of the first sentence of section 311(a), chapter 5 of title 37, United States Code, preceding clause (1) is amended to read as follows:

"(a) Under regulations to be prescribed by the Secretary of Defense or by the Secretary of Health, Education, and Welfare, as appropriate, an officer of the Army or Navy in the Medical Corps above the pay grade of O–6 or such an officer who is below that pay grade who is undergoing initial residency training, an officer of the Air Force who is designated as a medical officer and is above the pay grade of O–6 or such an officer who is below that pay grade who is undergoing initial residency training, a medical officer of the Public Health Service above the pay grade of O–6 or such an officer, who is below that pay grade who is undergoing initial, residency training, an officer of the Army or Navy in the Dental Corps, an officer of the Air Force who is designated as a dental officer, or a dental officer of the Public Health Service who—".

(b) The amendment made by this section shall be effective June 1, 1974.

Mr. HUGHES. Mr. President, I ask unanimous consent that the Senator from South Carolina (Mr. THURMOND) and the Senator from Georgia (Mr. NUNN) be added as cosponsors of the amendment just read.

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

Mr. HUGHES. Mr. President, this amendment offered by the distinguished junior Senator from Georgia (Mr. NUNN) and myself, is intended to correct an unfortunate and unforeseen consequence of recent legislation, public law 93–274, which revises the special pay structure for medical officers in the uniformed services.

That law sought to increase pay in the early years of service as military medical officers, so that the differential between civilian and military earning power could be narrowed. There was no "save pay" provision.

Unfortunately, because of a quirk in the law which denies continuation pay to men in their initial residency in military hospitals, some younger doctors with 5 to 10 years' service face immediate pay cuts of $5,000 to $6,000 per year. There are perhaps now 200 military medical officers and perhaps 200 more in the next few months who will suffer such reductions.

The problem is, that some doctors with several years' service are only now completing their initial residency, which is something usually done immediately after finishing medical school. Instead, these men went directly to the fleet or to the field, where they were of direct and vital service to our men in Southeast Asia.

This amendment, prepared at my request by the Defense Department, would revise the language of the recent law by permitting continuation pay to officers undergoing initial residency training, provided that they otherwise qualify for such pay. I am informed that this change would cost only about $2.4 million per year.

Mr. President, that is the gist of this amendment. I would, however, like to explain briefly the background of this proposal.

The Senate acted speedily and deliberately last December to provide the department of Defense with a management tool which would reduce the tremendous disparity between the salaries military medical officers receive and the income opportunities for physicians in the civilian sector. The Senate passed a clean bill, confident that the Department of Defense would implement its provisions in a conscientious, fair, and equitable manner.

When the House considered the bill in March of this year, that body added two restrictive features to the proposed legislation. These features would have precluded medical officers serving an initial active duty obligation and those undergoing intern or residency training from receiving the new bonus.

In the Senate/House conference, the Senate conferees pointed out the possible inequities or adverse retention effect which could occur as a result of extended initial obligated service which some physicians have. On this point, therefore, the conferees agreed that only the first 4 years of lengthy initial obligated service would disqualify a young medical officer from receiving this new bonus. I am fully in accord with this compromise.

The other restrictive feature of this bill, however, causes me great concern, not from the compromise position which was adopted, but from the factors which evidently were overlooked during the conference. It was pointed out in the conference that the exclusion of all residents from the new pay bonus system could seriously impact on the Defense Department's ability to obtain physicians qualified in various subspecialties since many military physicians do not enter subspecialty training until several years following the completion of their initial residency training. The conferees, therefore, agreed on language which provided that exclusion from bonus eligibility would be limited to those physicians undergoing initial residency training. I also fully agree with the intent of this compromise.

The problem with this compromise, however, arises among those medical officers who are eligible to receive continuation pay and who are in their initial residency training. These are officers who for a variety of reasons delayed entering residency training until they had completed several years of active military service. The most common reason which

has been brought to my attention was the need for general medical officers to support our military men in Vietnam. The military departments were forced to delay many physicians from their desired residency training to provide quality medical care to combat troops. Now many of these officers have had sufficient active service to qualify for continuation pay, but because they are only now in or entering their initial residency training they are ineligible for the new bonus pay and are excluded from continuing to receive continuation pay. These medical officers, most of whom served their country faithfully in combat, now in fact will suffer an actual pay loss of from $5,000 to over $6,000 per year while they are in their initial residency training. And in some programs, this training runs up to 6 years. I am confident that it was not the intent of the Congress to penalize this group of young medical officers who have already served their country so faithfully, who satisfied their initial active duty obligation, and who are voluntarily remaining on active duty. It is physicians such as these who are the primary target of the new bonus pay bill.

Mr. President, as a save-pay measure and to correct an injustice unwittingly forced on a small group of dedicated, career medical officers, Senator NUNN and I offer this amendment to the law which took effect on the first of this month.

Mr. President, I yield 1 minute to the distinguished Senator from South Carolina.

Mr. THURMOND. I wish to thank the distinguished Senator from Iowa. I commend the able Senator from Iowa for offering this amendment. I am pleased to join him as a cosponsor. In my opinion, it will correct an injustice, and I feel that it is important that this be done. I am pleased to join in this amendment, and I hope the Senate will adopt it.

Mr. HUGHES. I thank the Senator from South Carolina.

Mr. STENNIS Mr. President, will the Senator from Iowa yield?

Mr. HUGHES. I am happy to yield to the distinguished chairman of the committee.

Mr. STENNIS. I think the Senator from Iowa has rendered a real service in getting an amendment together that will correct an imperfection in the law which we passed in December of last year. I thank him as well as commend him for what he has done.

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

The PRESIDING OFFICER. Is all time yielded back? All time is yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUGHES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The motion was agreed to.

Mr. STENNIS. Mr. President, looking forward to tomorrow, when, as I understand it, the Senate will consider amendments proposing overseas troop reduction, I ask unanimous consent that a letter from Secretary Kissinger may be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STENNIS. Mr. President, I want to say, that I have not consulted with Mr. Kissinger in advance about the points he raises—troop reductions and aid to Vietnam—although I had intended to do so.

I certainly believe that he is well qualified to speak on both subjects. In fact, there may be no one better qualified than he to speak about the negotiations which are addressing possible troop reductions in Europe.

Personally, I am impressed by the views expressed by Dr. Kissinger, and I am hopeful about these talks—the talks on mutual balanced force reduction—MBFR. Those talks took a while to get in motion, but I expect progress from them and I am willing to wait.

Rather than read the text of the letter now, I have asked that copies of the letter be delivered to Senators' desks.

EXHIBIT 1

THE SECRETARY OF STATE,
*Washington, D.C., June 1, 1974.*

Hon. JOHN C. STENNIS,
*Chairman,*
*Committee on Armed Services,*
*Washington, D.C.*

DEAR MR. CHAIRMAN: It has been called to my attention that the FY 1975 Defense Authorization bill will be considered on the floor of the Senate early next week. I am sure you appreciate that a strong U.S. military posture is absolutely essential to the success of our diplomacy abroad. It is America's strength, both economic and military, that gives weight to our words in the councils of nations. Consequently, I feel justified, as Secretary of State, in taking the liberty of stating my views on two major issues which are bound to arise during the course of the debate on the bill and which are of deep concern to our foreign policy. These are: (1) reductions in our troop deployments abroad, and (2) military assistance for South Vietnam (MASF).

While I fully appreciate the strong desire in the Congress to effect reductions in the number of U.S. military personnel and dependents now stationed abroad, I feel compelled to caution that unilateral reductions at this time could seriously undermine our efforts to achieve mutual reductions of forces between NATO and the Warsaw Pact in Europe where the bulk of our overseas forces are located. As you know, we have already reduced our troops in Europe by about one-fourth, from about 400,000 in the early 1960's to about 300,000 now. During the same period, Soviet forces deployed in Eastern Europe have increased by about 100,000, from 475,000 in 1962 to 575,000 now. But more important, the U.S. troops in Western Europe constitute an absolutely essential element of NATO's military posture in the Central Region. None of our partners is in a position to replace them. I would certainly favor a more efficient utilization of the military personnel in Europe, but any reduction in our forces there should be accompanied by a commensurate reduction in Soviet forces deployed in Eastern Europe.

And this is precisely our objective in the MFR negotiations which are proceeding with great care and seriousness in Vienna. Those negotiations are being pursued in the general context of our efforts, in association with our Allies, to achieve a more normal relationship with the USSR in which the massive armies that now confront each other in Central Europe would be reciprocally reduced. An unreciprocated reduction of US forces would remove Soviet incentives to negotiate seriously since they will hardly pay a price for something that is about to be handed them unilaterally by us. It would also disrupt our Alliance relationship (possibly encouraging a rash of unilateral cuts by our allies), and thus undermine the basis on which we are seeking to induce more constructive policies on the part of the USSR.

Unilateral reductions in Europe would have equally serious consequences in the West. You and your colleagues are sufficiently aware of the stress in our relationships with Western Europe over the past eight months. Our objective throughout this period has been to build toward a closer understanding with our allies and friends of our shared objectives, and to enhance the practice of frank and timely consultation. The changes in governments in Western Europe in the very recent past make it important to avoid at all costs abrupt and destabilizing actions by us. Continuity and stability in the Allied defense posture are essential to maintaining Allied security, which is the indispensable basis for pursuit of our policy of detente. There is no question in my mind that a reduction in United States forces in Europe would be destabilizing, and would afford distinct political advantages to potential adversaries.

Our troop deployments in Asia and the Western Pacific, which are now a fraction of what they were only a few years ago at the height of the Vietnam conflict, constitute a very tangible measure of our interest in the security of our friends and allies in that region of the world. But any major reductions in U.S. forces in South Korea, Japan, Okinawa, and the Philippines could seriously jeopardize our efforts to achieve a more permanent structure of peace in that area. Such reductions can be safely made only when we have firm evidence of improved relations among the contending nations in the region. Meanwhile, we will continue to make reductions in our forces in Thailand as the situation in Southeast Asia permits.

With regard to South Vietnam, I have a very personal sense of obligation to do everything I can to make good on our moral commitment to assist that nation in its survival as an independent state. The Administration's request for $1.6 billion in military assistance was made because of our conviction that the survival of South Vietnam is indispensable to the creation of an enduring structure of peace in Southeast Asia. Without our military assistance, South Vietnam's ability to resist communist military pressures, fueled by an extensive flow of arms and supplies from the North, would be critically endangered.

I recognize that the House has already substantially reduced the Administration's request and that some members of the Senate would favor even a larger reduction. But I would be remiss in my duty as Secretary of State if I did not urge upon you the essentiality of supporting the Administration's request. Here, as in Europe, we must not lose sight of our longer range objective, and that is not just a reduction in the level of hostilities but more importantly the creation in Southeast Asia of an environment conducive to enduring peace and reconstruction. This fundamental humanitarian goal not only deserves the wholehearted support of all the people in the area, but also of the American people whose devotion to peace and progress throughout the world has been convincingly demonstrated over the years. In South Vietnam we have made an enormous investment in lives and dollars on behalf of the survival of that country and an

enduring peace in Southeast Asia. We have made marked progress toward these goals. I am convinced that our willingness to contribute a substantial level of military assistance to South Vietnam in the coming fiscal year will bring stable peace closer and enable us to reduce our assistance progressively over the following years.

Best regards,

HENRY A. KISSINGER.

Mr. TOWER. I thank the Senator from Iowa for yielding to me.

Mr. President, I invite the attention of the Senate to two excellent editorials that, I think, clearly present reasons and cogent arguments why we should not legislate a mandatory troop withdrawal from overseas at this time. The editorials are from the New York Times of June 5, 1974, and the Washington Post of Monday, June 3, 1974. I commend them to Senators for their consideration tomorrow.

I ask unanimous consent that the editorials be printed in the RECORD.

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

U.S. TROOPS IN EUROPE

Senator Mike Mansfield's renewed effort to force substantial withdrawal of American troops from Europe and other areas overseas is the wrong battle in the wrong place at the wrong time.

The Senate floor is the wrong place for this decision to be taken because the issue is now under negotiation in Vienna between the NATO and Warsaw Pact powers in an effort to bring about Soviet as well as American troop cutbacks. There are now 460,000 Soviet ground troops on the Central Front in Europe, compared with 193,000 Americans. Warsaw Pact troops outnumber NATO's ground forces in this area 925,000 to 770,000.

An over-all NATO-Warsaw Pact reduction to 700,000 on each side, as proposed by the West—with the bulk of the Western reduction to be taken in American forces—would assure stability as well as the reduction in defense spending desired in both East and West. But unilateral American withdrawals now would clearly be destabilizing. They would lower the nuclear threshold, forcing earlier use of atomic weapons in a conflict. They could lead to the nuclearization or the "Finlandization" of West Europe—or both.

This is the wrong time as well for the Mansfield amendment. West Europe's political stability and economic health are shakier today than at any time since the Marshall Plan days more than two decades ago. Governments have fallen in Britain, West Germany, France and Italy in recent months. The new leaders may do better than the old, but that is not yet certain. The Common Market is stalled. Relations with the United States have been badly strained. A major effort by Washington is needed to pull the Atlantic community back together again before disintegration goes further. Unilateral weakening of West Europe's security would frustrate this effort before it could begin.

Above all, Senator Mansfield's long struggle, extending over eight years, is the wrong battle for the Majority Leader and his supporters to be waging at all. The battle to bring back American troops from Europe, an area where American interests are truly vital, was spurred initially by American balance-of-payments deficits and Europe's surpluses. The oil price increase and other factors have reversed the situation. American payments are in surplus, while most of West Europe is headed toward a disastrous deficit. West Germany, which is also in surplus, is offsetting the dollar costs of American forces there.

The extraordinary notion has been propounded that the presence of American troops abroad brings about American involvement in war. But there were no American troops in Europe before World War I or World War II—or in Korea before the involvement there. On the contrary, the presence of American troops in Europe since World War II has helped provide an almost unprecedented 29 consecutive years of European peace. Their withdrawal would be a step into the unknown.

Senator Mansfield's latest argument is that Asia could be demobilized, reducing the defense budget by $1 billion a year. But United States armed forces already are half-a-million fewer than pre-Vietnam and 1.2 million fewer than those the Soviet Union maintains. There are ways in which defense spending can and should be reduced. But shotgun legislation aimed at American military manpower overseas would be the worst way now to go about that task.

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A STEADY COURSE FOR EUROPE

This is a bad time for the Senate to heed the annual call of Sen. Mike Mansfield (D-Mont.) to legislate a large unilateral cut in the 300,000-man American force in Europe. With the Mideast mercifully receding as an issue in separating the Atlantic nations, it would be unwise to subject NATO to a harsh new blow affecting not only the quality of Atlantic relations but the security of the Alliance. Then, East-West talks on reducing forces in East and West Europe are proceeding in Vienna. For the United States alone to pull the plug on West Europe, even as the talks have proven to be an effective vehicle for Allied consultation and joint East-West exploration of the complex issues involved, would be, we believe, little short of desertion. Moreover, Mr. Nixon is about to go to Moscow: he is enough in the soup for reasons of his own making to make eminently unwise a move further reducing the general authority he brings to the summit.

The European allies can, indeed, be vexing critters. All too often they fail to act on what would seem to be their own self-interest in making it easier for the United States to remain a faithful ally—although recently, it should be noted, the Germans have taken major steps in one sentitive area, offsetting the dollars lost by the United States in keeping its troops in Germany. The question, however, is whether the United States can afford to indulge the fatigue and irritation which Europeans sometime induce. We believe the answer is, no. The Atlantic relationship remains this country's fundamental overseas tie, strengthened by links of culture and tradition. But it is sustainable only by constant attention to Europe's welfare and independence. Europe came out of World War II devastated and unable thereafter to care adequatly for itself in the big-power world. This is at once Europe's burden and our own. It makes it all the more necessary for the United States, in such a critical matter as the presence of military forces, to act in concert with Europe and not by itself.

Sen. Mansfield quite properly believes that the level of our forces in Europe ought to reflect the improvements in political relations which travel under the general name of detente. Detente can proceed, however, only if Europeans have the confidence which those forces impart. There is nothing magical militarily about a given level of force, but there is something "magical" politically; the current level has come to represent the steadiness of the American guarantee. It is psychological, but psychology, after all, is central to politics.

Soviet-American detente, as the Europeans well know, is still in an early and tentative state. Europeans can also see that the SALT talks, which compose the basic framework of their security, are in a particularly tentative state. The economic uncertainties bred by world inflation add to European anxieties. In such circumstances, it is really quite wrong to look at the U.S. troop level in Europe as though it were the only card in play. In the absence of a decision to demobilize any troops brought home, moreever, a strong case can be made for leaving them in Europe, where they do double duty, political as well as military.

The House turned down a Mansfield-type amendment the other day by a substantial margin. We hope the Senate will do the same. This is a good time to tell the world we are seeking a steady course—and to tell ourselves.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will please state it.

Mr. STENNIS. I ask the Chair to state what will be the pending question in the morning. There has been an agreement on it.

The PRESIDING OFFICER. At the close of business today, the Chair will lay before the Senate the amendment of the distinguished Senator from Montana (Mr. MANSFIELD).

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## ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with statements therein limited to 5 minutes each.

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

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## ORDER FOR CONSIDERATION OF ENERGY APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the energy appropriation bill is called up and made the pending question before the Senate there be a time limitation thereon of 2 hours to be equally divided between Mr. YOUNG and Mr. MCCLELLAN; that there be a time limitation on any amendment thereto of 1 hour, equally divided and controlled in accordance with the usual form; that there be a limitation on any amendment to an amendment of 30 minutes; and that there be a limitation on debatable motions or appeals of 20 minutes, all of which are to be equally divided and controlled in accordance with the usual form. The bill will not be called up until Monday.

Mr. TOWER. Mr. President, reserving the right to object, and I do not intend to object, it is my understanding that this has been cleared with all interested parties on this side.

Mr. ROBERT C. BYRD. That is my understanding, and I know from my own personal understanding that it has been cleared with the ranking Republican member on the committee (Mr. YOUNG).

Mr. TOWER. May I pose a question to the distinguished assistant majority leader? That is, will this bill be called up on Monday if S. 3000 has not yet been disposed of?

Mr. ROBERT C. BYRD. Yes, it would

be called up on Monday, first thing. And might I say that in discussing this bill with the distinguished chairman of the committee (Mr. McCLELLAN), I have been informed by him that he expects no controversy, and I do not think it would take long on Monday.

Mr. TOWER. In other words, that would be disposed of, and then we would probably return to the consideration of S. 3000?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. TOWER. I thank the Senator, and I do not object.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

## ORDER TO TAKE UP THE ENERGY BILL ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, immediately following the conclusion of routine morning business, the Senate proceed to the consideration of the energy appropriation bill.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that if the bill (S. 3000) has not been acted upon by the Senate by Monday, that that bill be temporarily laid aside on Monday until the disposition of the energy appropriation bill or until the close of business Monday, whichever is the earlier.

I do not expect its being the close of business, but if the Senate will agree on this request, I think that for all purposes things will work out.

Mr. TOWER. Mr. President, reserving the right to object, and I do not intend to object, in other words, the appropriation bill could probably be disposed of in a relatively short time, and we could get on to S. 3000 in time to do some constructive work on it before the close of business?

Mr. ROBERT C. BYRD. The Senator is correct. This request would not allow for a call for the regular order to call up the appropriation bill.

Mr. TOWER. I do not object, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. tomorrow.

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

## ORDER FOR RECOGNITION OF SENATORS PROXMIRE AND EAGLETON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the 2 leaders or their designees have been recognized under the standing order tomorrow, the Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes, and that he be followed by the Senator from Missouri (Mr. EAGLETON) for not to exceed 15 minutes, and that following the remarks of Mr. EAGLETON, the Senate resume the consideration of the bill (S. 3000).

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.

## ORDER FOR VOTES ON TROOP WITHDRAWAL AMENDMENTS NOT TO OCCUR BEFORE 2:30 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that any votes that may be ordered on the Mansfield amendment and on amendments thereto, and/or other amendments dealing with troop reduction or troop withdrawal, not to occur before the hour of 2:30 p.m. tomorrow.

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

Under the previous order the Chair lays before the Senate the Mansfield amendment.

The amendment (No. 1392) reads as follows:

AMENDMENT NO. 1392

On page 5, after line 2, insert the following: *Provided*, That no funds authorized to be appropriated by this title may be used after December 31, 1975, for the purpose of maintaining more than 2,027,100 active duty military personnel, and no funds authorized to be appropriated by this title may be used after December 31, 1975, for the purpose of maintaining more than 312,000 military personnel permanently or temporarily assigned at land bases outside the United States or its possessions. The Secretary of Defense shall determine the appropriate worldwide overseas areas from which the phased reduction and deactivation of military personnel shall be made.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at the hour of 9:30 a.m. After the two leaders or their designees have been recognized under the standing order, the Senator from Wisconsin (Mr. PROXMIRE) will be recognized for not to exceed 15 minutes, after which the Senator from Missouri (Mr. EAGLETON) will be recognized for not to exceed 15 minutes.

There will then be a resumption of action on the bill (S. 3000). The pending question at that time will be on agreeing to the amendment (No. 1392) of the Senator from Montana (Mr. MANSFIELD), on which there is a time limitation of 3 hours, with a time limitation on any amendment thereto of 40 minutes. Yea-and-nay votes will undoubtedly occur.

Mr. President, yea-and-nay votes will occur throughout the day tomorrow. I am not going to ask that votes on other amendments not dealing with troop cuts or troop withdrawals, should they be ordered prior to the hour of 12 o'clock noon, be deferred, but I would assume that all votes would probably occur beginning at the hour of 2:30 p.m.

Mr. TOWER. In other words, if we can dispose of some amendments in the morning or prior to 2:30 p.m.——

Mr. ROBERT C. BYRD. Yes.

Mr. TOWER. That are not relevant to troop withdrawal, that could occur?

Mr. ROBERT C. BYRD. Yes.

Mr. TOWER. So it is conceivable that we could have votes in the morning or through the noon hour?

Mr. ROBERT C. BYRD. Yes, and I hope the record will be left clear on that point, Mr. President.

The PRESIDING OFFICER. The record will so reflect.

Mr. ROBERT C. BYRD. It is possible that we may encounter a lag in the debate on the Mansfield amendment, and in such a situation, in order to best utilize the time of the Senate, it may be desirable to have a Senator call up some other amendment.

Mr. TOWER. Mr. President, if the Senator will yield, I think it would be eminently desirable to dispose of any other amendments we could during that period of time.

Mr. ROBERT C. BYRD. So, with that understanding, Mr. President, that yea-and-nay votes on troop withdrawal or troop reduction amendments would occur not prior to 2:30 p.m., but that votes on other amendments not germane to troop withdrawal could occur prior to the hour of 12 o'clock noon, or on other business prior to the hour of 12 o'clock noon, then I think we will have the proper understanding.

Hopefully, with some luck, the Senate may complete action on this bill tomorrow.

Mr. TOWER. Mr. President, if the Senator will yield——

Mr. ROBERT C. BYRD. I yield.

Mr. TOWER. It is the intention, I think, of the distinguished Senator from New Hampshire (Mr. MCINTYRE) to offer an amendment having to do with strategic initiatives, which he does not think he can handle tomorrow, or dispose of then, and he believes that we should have some considerable debate thereon, and perhaps deal with definitive matters.

So I do not perceive that we could finish the bill tomorrow night under those circumstances, unless the Senator from New Hampshire conceivably might decide that he could do it tomorrow morning, and I think that is highly unlikely.

Mr. ROBERT C. BYRD. Very well; we will just have to see how things go. It may be that the discussion on the troop withdrawal amendment will not consume as much time as we anticipate. It is a subject that has been gone over many times. We have heard a good many votes on the subject. So with a little luck, it may be possible that we could finish tomorrow evening.

Mr. TOWER. I would be delighted if we are that lucky. I would hope so. I

think it would be splendid if we could dispose of the bill tomorrow night. That is the one remaining, I would say, significant controversial matter that has not been disposed of, and if it can be disposed of on tomorrow night, I think it would be great. But I do not like to raise the hopes of my colleagues that we can do it.

Mr. ROBERT C. BYRD. Yes. Other than the troop withdrawal amendments and the amendment by Mr. McINTYRE, I personally know of no amendments other than an amendment by Mr. KENNEDY, an amendment by Mr. ABOUREZK, and an amendment by Mr. CHILES, though there may be others in terms of which I am uninformed.

But in any event, Mr. President, Senators are alerted to the fact that there will be several rollcall votes tomorrow, and it is possible we could have a long day tomorrow.

## ADJOURNMENT UNTIL 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 9:30 a.m. tomorrow.

The motion was agreed to; and at 6:58 p.m. the Senate adjourned until tomorrow, Thursday, June 6, 1974, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate June 5, 1974:

IN THE U.S. ARMY

The following-named officers to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

*To be general*

Gen. Donald Vivian Bennett, [redacted], Army of the United States (major general, U.S. Army).

*To be lieutenant general*

Lt. Gen. Robert Ray Williams, [redacted], Army of the United States (major general, U.S. Army).

## CONFIRMATIONS

Executive nominations confirmed by the Senate June 5, 1974:

DEPARTMENT OF DEFENSE

Gen. George S. Brown, U.S. Air Force, for appointment as Chairman of the Joint Chiefs of Staff for a term of 2 years, pursuant to title 10, United States Code, section 142.

U.S. AIR FORCE

Gen. David C. Jones, U.S. Air Force, to be appointed as Chief of Staff, U.S. Air Force, for a period of 4 years, pursuant to title 10, United States Code, section 8034.

DEPARTMENT OF THE TREASURY

Jack Franklin Bennett, of Connecticut, to be Under Secretary of the Treasury for Monetary Affairs.

Edward C. Schmults, of Maryland, to be Under Secretary of the Treasury.

U.S. TARIFF COMMISSION

Catherine May Bedell, of Washington, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1980.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Terrell H. Bell, of Utah, to be Commissioner of Education.

THE FEDERAL COUNCIL ON THE AGING

The following-named persons to be members of the Federal Council on the Aging for the terms indicated:

FOR A TERM OF 1 YEAR

Bertha S. Adkins, of Maryland.
Dorothy Louise Devereux, of Hawaii.
Carl Eisdorfer, of Washington.
Charles J. Fahey, of New York.
John B. Martin, of Maryland.

FOR A TERM OF 2 YEARS

Frank B. Henderson, of Pennsylvania.
Frell M. Owl, of North Carolina.
Lennie-Marie P. Tolliver, of Oklahoma.
Charles J. Turrisi, of Virginia.

FOR A TERM OF 3 YEARS

Nelson Hale Cruikshank, of the District of Columbia.
Sharon Masaye Fujii, of Washington.
Hobart C. Jackson, of Pennsylvania.
Garson Meyer, of New York.
Bernard E. Nash, of Maryland.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

# HOUSE OF REPRESENTATIVES—*Wednesday, June 5, 1974*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*The fear of the Lord is wisdom and to turn from evil is understanding.*—Job 28:28.

Almighty and everlasting God, who art the source of light and life and whose glory is in all the world, we lift our hearts unto Thee praying that Thou wilt reveal to us the brighter way to a better life in a brotherly world and give us the courage to walk in it. In the midst of the discords and disorders of these trying times, help us to hold aloft the light of liberty and to be true to the faith that love is stronger than hate, truth will prevail over evil, and life will outlast death.

We pray for our Nation that she may be good in spirit, genuine in faith, gentle in patience, and generous in service to all mankind that justice and peace may grow in our world and abound among all people.

To each one of us give strength equal to our tasks and grace sufficient for every need that in our service to our country we may also serve Thee.

In the spirit of Christ we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 6979. An act for the relief of Monroe A. Lucas.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14013) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 5, 15, 18, 19, 20, 29, 33, 48, 49, 60, 69, 87, 163, and 169 to the foregoing bill.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 572. An act to waive the statute of limitations with regard to the tort claims of certain individuals against the United States;

S. 2846. An act to protect the flow of interstate commerce from unreasonable damage to the environmental health by assuring an adequate supply of chlorine which is necessary for safe drinking water and for other public health purposes; and

S. 3546. An act to extend for 1 year the time for entering into a contract under section 106 of the Water Resources Development Act of 1974.

## ROGER CALDWELL SLAUGHTER

(Mr. BOLLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLLING. Mr. Speaker, it is with deep regret that I advise the House of the death of a former Member, Roger Caldwell Slaughter. He died at the age of 68 Sunday at his farm near Odessa, Mo. He represented for two terms the district that I have the honor to represent.

Mr. Slaughter was born near Greenton, Mo., and had lived in Kansas City most of his life before moving to the Odessa area about 8 years ago.

He was graduated in 1928 from Princeton University and attended the old Kansas City School of Law. He was admitted to the Missouri bar in 1932.

Mr. Slaughter served as assistant prosecuting attorney of Jackson County from 1934 to 1937. In 1940 he was elected to the Kansas City School Board and served 2 years.

In 1942 Mr. Slaughter was elected to Congress from the Fifth District and served two terms. At the end of his first term, he was appointed to the Rules Committee of the House of Representatives, the first time in the committee's history that a freshman legislator had been appointed. Mr. Slaughter was also a member of the Banking and Currency Committee and was appointed in 1946 to a special House committee investigating the disposition of war surplus material from World War II.

Mr. Slaughter had practiced law in