nored—and thus possible to have Black Mayors and state legislators and enough Blacks in the Congress to form a caucus.

No small part of this must be credited, both by disciples and detractors, to Martin Luther King—visionary, sometime pragmatist, peace-breaker, peace-maker.

Peace-breaker. . . . so much so that he was feared as an "outside agitator" after he and Rosa Parks and Ralph Abernathy and the other nameless townspeople of Montgomery had upset the peace of that town and won their bus boycott battle. There were even those in his native Atlanta who doubted it was wise for us to have young Martin King come home to give the NAACP's Emancipation Day Address. Atlanta being then "a city too busy to hate"—and rather smugly complacement about it. Sure enough, Martin was barely off the train before he frowned in the direction of the "White-only" waiting room and quietly asked the welcoming delegation, "When are we going to do something about that?" Some very awkward moments followed, everyone being sure that Jim-Crow signs in perhaps the proudest city in the South was a problem all right—but surely somebody else's problem.

Later, Martin was out of step again when everyone else, including some of his own SCLC board members, had the good sense to see that silence on Viet Nam was the best policy. After all, what was happening to Brown people in Indo-China—and, in the process, to our own country—had nothing at all to do with civil rights, nothing at all to do with poverty, nothing to do with human justice. Martin disagreed. Even in the name of peace, he seemed congenitally unable to hold his peace.

It was bad enough to rebuke Southern White moderates in his "Letter from a Birmingham Jail." Nor did he always interpret the scripture as others did when it came to rendering unto Caesar and unto God. When a president summoned leaders to a convocation at the White House one Sabbath Day, it was Martin who failed to attend. He explained that he was Co-Pastor with his father of Ebenezer Baptist and that the Sunday in question happened to be Martin's turn to preach. Those who know Daddy King might have an additional understanding of where true wisdom lay when the choice was between staying in the good graces of a president, or Martin Luther King, Sr.

As a peace-maker, Martin was a practitioner of the nonviolence he preached, even under the most trying circumstances. He inspired and held together in creative harmony a collection of highly individualistic lieutenants: Ralph Abernathy, Fred Shuttlesworth, Wyatt Walker, Jim Bevel, Hosea Williams, Andy Young. Yoking these talents and temperaments in one unit is in itself qualification for the Nobel Prize. I recall a jam-packed church one night, seething with outrage over an agreement with White leadership which many Blacks considered a betrayal. It was Martin who took the floor when all else had failed. He prevented the Black community from tearing itself apart that night, and showed the way to a resumption of the struggle and, eventually, to a much more genuine and just conclusion.

Even at the height of his fame, some people were embarrassed by, skeptical of, Martin's reliance on those old-timey, churchy, wooden-bench notions which seemed out of place in a plasticized modern world: justice, righteousness, redemptive love, brotherhood.

But scab-infested children in the muddy yards of Mississippi towns seemed to understand him. When Sterling Brown writes of grown Black men whose eyes could not meet those of Whites, it may fall strangely on the ears of young people reared on Malcolm, Fanon, Baraka, Nikki Giovanni, Don Lee. But Martin was up and down this country for quite a while, getting people up off stoops and into the streets and dusty roads with their heads up and eyes straight ahead. He was telling poor people—Black, White, Brown, Red—to throw off the shackles of "nobodiness" and to recognize themselves as somebody.

For perhaps more than anything else, Martin's true gift lay in the power he had, at his best, to invest people of all ages, classes and colors with a liberating sense of their own significant humanity. So that even in a crowd, each could feel uniquely a person. So that fearing hurt and death, knowing from what had happened to their comrades that enemies can hate enough to kill, many of them still—as he did—took risks and managed somehow to master their fear.

"I have been to the mountaintop", Martin said on a spring evening in Memphis six years ago. Few of us can climb that mountaintop from which he gazed. Fewer still find it possible even to imagine—much less see—through the murkiness of these days of deceit and greedy indifference—the promised land which he envisioned.

Last week, in San Francisco, the former leader of the Philippines insurgent movement said that he had come to visit America. He wanted us to be sure which America he meant. "The America", he said, "of Abraham Lincoln, Franklin Roosevelt—and Martin Luther King, Jr."

It is perhaps not too hard to see what this Brown man, the former guerrilla general, might see as linking himself and Martin King—a shared history of imprisonment, harrassment, the passionate drive to liberate a people. But it might seem strange to his questioners that a revolutionary, who sought freedom through violence, should so admire Martin King, the prophet of nonviolent revolution. As strange as the irony of thousands of urban Blacks who had never marched in his campaigns, burning cities in response to Martin's assassination.

Perhaps the visitor from the Philippines already knows that Martin's America has only rarely existed in actuality. But if we are to find our way back again to the painful task of making such a land, it will be because we are called to judgment not so much by Martin's memory, his spirit. . . . but rather because we are called by the children dying needlessly still in rural and urban ghettos; by the old who cannot piece out their days in dignity; by the men and women bereft of any real chance of having the jobs, the homes they need, the freedom to move without fear among the strangers who are their neighbors—denied the very essence of manhood and womanhood.

It is *these* who call us, whether or not we choose to hear. Martin chose to hear—to enroll, as he said, as a drum major in the cause which chose him, and which he chose. The power, the passion, the fidelity this one mortal man gave to that choice is the living legacy left to those who will use it by Martin Luther King, Jr., born a citizen of Atlanta, Georgia. Died citizen extraordinary of the South . . . America . . . the world . . . of that other world—on this fragile planet earth—which is yet to come.

SENATE—*Monday, July 8, 1974*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

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

Almighty God, we Thy servants silence our voices, quiet our spirits, and bow at this shrine of the patriots' devotion to ask what Thou dost require of us. Thou dost answer in Thy Word that we are to "do justly, to love mercy, and to walk humbly with thy God." Assist us by Thy grace that all who serve in the executive, legislative, and judicial branches of this Government may indeed do justly, love mercy, and walk in Thy companionship. Accept the offering of our souls, our minds, and our bodies in Thy service that we may help fulfill Thy purpose for mankind.

And to Thee shall be all the praise and the thanksgiving. Amen.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT OF THE SENATE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of June 27, 1974, the following messages from the House of Representatives were received:

On June 28, 1974, that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

S. 3490. An act providing that funds apportioned for forest highways under section 202(a), title 23, United States Code, remain available until expended.

S. 3458. An act to amend the Agriculture and Consumer Protection Act of 1973, the Food Stamp Act of 1964, and for other purposes.

S. 3705. An act to amend title 38, United States Code, to provide for a 10-year delimiting period for the pursuit of educational programs by veterans, wives, and widows.

H.R. 7724. An act to amend the Public Health Service Act to establish a program of National Research Service Awards to assure the continued excellence of biomedical and behavioral research and to provide for the protection of human subjects involved in biomedical and behavioral research, and for other purposes.

H.R. 11105. An act to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes.

H.R. 12412. An act to amend the Foreign Assistance Act of 1961 to authorize appropriations to provide disaster and other relief to Pakistan, Nicaragua, and the drought-stricken nations of Africa, and for other purposes.

H.R. 12799. An act to amend the Arms Control and Disarmament Act as amended, in order to extend the authorization for appropriations, and for other purposes.

H.R. 14832. An act to provide for a temporary increase in the public debt limit.

H.R. 14833. An act to extend the Renegotiation Act of 1951 for 18 months.

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.

H.R. 15124. An act 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.

S.J. Res. 202. A joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations.

H.J. Res. 1057. A joint resolution to extend by 30 days the expiration date of the Export Administration Act of 1969.

H.J. Res. 1061. A joint resolution making further urgent supplemental appropriations for the fiscal year ending June 30, 1974, for the Veterans' Administration, and for other purposes.

H.J. Res. 1062. A joint resolution making continuing appropriations for the fiscal year 1975, and for other purposes.

The enrolled bills and joint resolutions were signed on the same day by the Acting President pro tempore (Mr. METCALF).

On June 28, 1974, that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

H.R. 3534. An act for the relief of Lester H. Kroll.

H.R. 5266. An act for the relief of Ursula E. Moore.

H.R. 7089. An act for the relief of Michael A. Korhonen.

H.R. 7128. An act for the relief of Mrs. Rita Petermann Brown.

H.R. 7397. An act for the relief of Viola Burroughs.

H.R. 8660. An act to amend title 5 of the United States Code (relating to Government organization and employees) to assist Federal employees in meeting their tax obligations under city ordinances.

H.R. 8747. An act to repeal section 274 of the Revised Statutes of the United States relating to the District of Columbia, requiring compulsory vaccination against smallpox for public school students.

H.R. 8823. An act for the relief of James A. Wentz.

H.R. 9800. An act to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims.

H.R. 13221. An act to authorize appropriations for the saline water program for fiscal year 1975, and for other purposes.

H.R. 14291. An act to amend the Northwest Atlantic Fisheries Act of 1950 to permit U.S. participation in international enforcement of fish conservation in additional geographic areas, pursuant to the International Convention for the Northwest Atlantic Fisheries, 1949, and for other purposes.

H.R. 15296. An act to authorize the Commissioner of Education to carry out a program to assist persons from disadvantaged backgrounds to undertake training for the legal profession.

H.J. Res. 1056. A joint resolution to extend by thirty days the expiration date of the Defense Production Act of 1950.

The enrolled bills and joint resolution were signed on July 3, 1974, by the Acting President pro tempore (Mr. METCALF), who also signed the enrolled bill (H.R. 1376) for the relief of J. B. Riddle, which was signed by the Speaker on June 24, 1974.

On July 2, 1974, that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 2137. An act to amend the act of October 15, 1966 (80 Stat. 953, 20 U.S.C. 65(a)), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

H.R. 29. An act to provide for payments by the Postal Service to the civil service retirement fund for increases in the unfunded liability of the fund due to increases in benefits for Postal Service employees, and for other purposes.

H.R. 8977. An act to establish in the State of Florida the Egmont Key National Wildlife Refuge.

H.R. 9281. An act to amend title 5, United States Code, with respect to the retirement of certain law enforcement and firefighter personnel, and for other purposes.

S.J. Res. 218. A joint resolution to extend by 30 days the expiration date of the Export-Import Bank Act of 1945.

The enrolled bills and joint resolution were signed on July 3, 1974, by the Acting President pro tempore (Mr. METCALF).

On July 2, 1974, a message from the House of Representatives announced that the House had passed the following bills and joint resolution, without amendment:

S. 2137. An act to amend the act of October 15, 1966 (80 Stat. 953, 20 U.S.C. 65(a)), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

S. 3705. An act to amend title 38, United States Code, to provide a 10-year delimiting period for the pursuit of educational programs by veterans, wives, and widows.

S.J. Res. 218. A joint resolution to extend by 30 days the expiration date of the Export-Import Bank Act of 1945.

The message further announced that the House agreed to the amendment of the Senate to the amendment of the House to the resolution (S.J. Res. 202) entitled "Joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations."

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 29) entitled "An act to provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the fund due to increases in benefits for Postal Service employees, and for other purposes."

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 8977) entitled "An act to establish in the State of Florida the Egmont Key National Wildlife Refuge."

The message further announced that the House agreed to the amendments of the Senate to the bill (H.R. 9281) entitled "An act to amend title 5, United States Code, with respect to the retirement of certain law enforcement and firefighter personnel, and for other purposes."

On July 3, 1974, a message from the House of Representatives announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3458) to amend the Agriculture and Consumer Protection Act of 1973, the Food Stamp Act of 1964, and for other purposes.

The message also announced that the House 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. 7724) to amend the Public Health Service Act to establish a program of National Research Service Awards to assure the continued excellence of biomedical and behavioral research and to provide for the protection of human subjects involved in biomedical and behavioral research and for other purposes.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of June 27, 1974, the following reports of committees were submitted:

On July 3, 1974, by Mr. MCCLELLAN, from the Committee on the Judiciary, with an amendment:

S. 1361. A bill for the general revision of the copyright law, title 17, of the United States Code, and for other purposes (together with additional and minority views (Rept. No. 93-983)).

On July 3, 1974, by Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 3528. A bill to amend the Mineral Leasing Act of 1920, and for other purposes (Rept. No. 984).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 27, 1974, be dispensed with.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on June 30, 1974, the President had approved and signed the bill (S. 411) to amend title 39, United States Code, with respect to certain rates of postage, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) 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 disagrees to the amendment of the Senate to the bill (H.R. 15074) to regulate certain political campaign finance practices in the Dis-

trict of Columbia, and for other purposes; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. DIGGS, Mr. ADAMS, Mr. FRASER, Mr. STUCKEY, Mr. REES, Mr. NELSEN, Mr. BROYHILL of Virginia, and Mr. GUDE were appointed managers of the conference on the part of the House.

The message also announced that the House had passed the following bills, each with an amendment, in which it requests the concurrence of the Senate:

S. 2296. An act to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the environment of certain of the Nation's lands and resources, and for other purposes; and

S. 2665. An act to provide for increased participation by the United States in the International Development Association.

The message further announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 8591. An act to authorize the President to appoint to the active list of the Navy and Marine Corps certain Reserves and temporary officers.

H.R. 11144. An act to amend title 10, United States Code, to enable the Naval Sea Cadet Corps and the Young Marines of the Marine Corps League to obtain, to the same extent as the Boy Scouts of America, obsolete and surplus naval material.

H.R. 13264. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

H.R. 14597. An act to increase the limit on dues for U.S. membership in the International Criminal Police Organization.

H.R. 14723. An act to amend the Agricultural Act of 1970 to change the date on which the President must report to Congress concerning Government-assisted services to rural areas.

H.R. 15276. An act to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

H.R. 15406. An act to amend title 37, United States Code, to refine the procedures for adjustments in military compensation, and for other purposes.

H.R. 15461. An act to secure to the Congress additional time in which to consider the proposed amendments to the Federal Rules of Criminal Procedure which the Chief Justice of the U.S. Supreme Court transmitted to the Congress on April 22, 1974.

H.R. 15580. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1975, and for other purposes.

H.R. 15581. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1975, and for other purposes.

HOUSE BILLS REFERRED

The following House bills were each read twice by their titles and referred as indicated:

H.R. 8591. An act to authorize the President to appoint to the active list of the Navy and Marine Corps certain Reserves and temporary officers; and

H.R. 11144. An act to amend title 10, United States Code, to enable the Naval Sea Cadet Corps and the Young Marines of the Marine Corps League to obtain, to the same extent as the Boy Scouts of America, obsolete and surplus naval material; to the Committee on Armed Services.

H.R. 13264. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities; to the Committee on Agriculture and Forestry.

H.R. 14597. An act to increase the limit on dues for United States membership in the International Criminal Police Organization; to the Committee on the Judiciary.

H.R. 14723. An act to amend the Agricultural Act of 1970 to change the date on which the President must report to Congress concerning Government-assisted services to rural areas; to the Committee on Agriculture and Forestry.

H.R. 15406. An act to amend title 37, United States Code, to refine the procedures for adjustments in military compensation, and for other purposes; to the Committee on Armed Services.

H.R. 15461. An act to secure to the Congress additional time in which to consider the proposed amendments to the Federal Rules of Criminal Procedure which the Chief Justice of the U.S. Supreme Court transmitted to the Congress on April 22, 1974, to the Committee on the Judiciary.

H.R. 15580. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1975, and for other purposes; to the Committee on Appropriations.

H.R. 15581. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1975, and for other purposes; to the Committee on Appropriations.

WAIVER OF CALL OF THE CALENDAR

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ENERGY CRISIS FORESEEN; WILLIAM S. PALEY'S REPORT: RESOURCES FOR FREEDOM

Mr. MANSFIELD. Mr. President, an excellent article by Sylvia Porter, one of the few understandable economic writers, day in and day out, entitled "Energy Crisis Foreseen," appeared in the Washington Star News of June 30, 1974. I ask unanimous consent that this very worthwhile article by Miss Porter be printed in the RECORD. Before the Chair rules on my request, I want to specifically mention the name of William S. Paley, who headed the President's Materials Policy Commission in 1952. Appointed by President Truman, his report "Resources for Freedom" was prophetic and practical. Mr. Paley proved to be a prophet before his time and is now a prophet in our times. The Paley report is just as good today as it was 22 years ago. In my opinion, it is must reading for the administration and the Congress. If we will do today what Mr. Paley recommended in 1952 we will still be able to understand and to solve our problems in this new economic age.

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

ENERGY CRISIS FORESEEN

(By Sylvia Porter)

"Sooner or later, the nation will have to return to heavier reliance upon abundant coal."

"The nation could reduce consumption and physical waste of liquid fuels with little or no inconvenience."

"Since all the industrial nations, and not merely the United States, have either caught up with or outgrown their domestic resources, the same pattern of reliance on imports—but even more accentuated—can be expected for these nations as a whole. . . . There is no basis for a complacent assumption that the free world's mounting needs for low-cost materials will be automatically or even easily met."

"Industrial nations, the chief consumers of materials, suffer from the ups and downs of materials markets through periodically having to pay excessive prices in order to overcome shortages and thus encountering at the root of all production, a potent inflationary influence."

A tired re-hash of 1974's headlines? Oh no!

These are direct quotes lifted from "Resources for Freedom," a report published 22 years ago by the President's Materials Policy Commission, a group appointed by President Truman to survey our critical needs and headed by William S. Paley, then as now, chairman of CBS, Inc.

Even at that early post World War II date, the Paley Report attempted to answer the question: Has the United States the resources to fuel a vigorously expanding economy and at the same time provide for our national security? Its answer was a clear "No!" as the above quotes illustrate.

Startling and sobering as its warnings were, the commission underestimated the threats. Twenty-two years ago Paley's group predicted that the demand for electricity would double in the next two decades; actually output has quadrupled. It foresaw the demand for minerals doubling; the demand for aluminum has tripled. This is typical.

But the fundamental point of the report was not the limits of our natural resources. It was instead, in the commission's words, the need for:

"An appropriate federal agency designated to undertake, in cooperation with all other government agencies and with private and research organizations concerned with energy, a continuing broad appraisal of the nation's long-range energy outlook."

Now, two decades later, Congress finally is moving toward precisely this. Senate majority leader Mike Mansfield, D-Mont., and Senate minority leader, Hugh Scott, R-Pa., have just called for establishment of a "full-fledged Council on Domestic Needs and Economic Foresight," to give the President and Congress guidance on future planning. The council, said Mansfield and Scott, should "embrace representatives from both the

Congress and the executive branch as well as elements of industry, labor, agriculture and other significant elements."

Would this go to the heart of the matter? Yes, Paley answered. "The most important thing with regard to our supply of raw materials is to know where we stand at all times. A special government agency responsible to Congress, the Executive, or both, which would conduct a continuous audit of our materials situation would fill this gap." In addition:

We must know as much as possible, through serious projections over a 10-year period and a 25-year period, of our demands and our supplies and the looming shortages, if any, that face us.

We must have a continuing inventory covering research and technology in this field, and in Paley's word's," a continuing realistic appraisal of our dependence on foreign sources. These 'audits' would also make recommendations as to our government's policies and future courses of action and would help deal with oncoming shortages in time to adopt effective policies."

We must recognize the complexities inherent in our relationships with foreign countries. "It was much simpler 20 years ago," Paley remarks, "to make arrangements with foreign nations, but now it is different. Many are seeking fast industrialization even if they are not ready for it, and for that reason some are hoarding or conserving their own natural resources. The real costs of materials cannot be measured in money alone, but in man-hours and the capital necessary to bring the materials or units of energy into actual usage."

It may seem Pollyannaish even to suggest that the energy shocks of '74 may turn out to be blessings in deep disguise, but if they force us to wake up to, and respond intelligently to, our own warnings, that's precisely how they will turn out.

WELCOME HOME

Mr. HUGH SCOTT. Mr. President, I would say, "Welcome home, everybody," or at least I will say it when they get here, as I am sure they will, during the day.

When I say "Welcome home," I am mindful of the saying that "A house is not a home." This is a home; yet, not a house, or not the House. [Laughter.] I think that under the circumstances I shall not explore that analogy further.

I do invite attention to the fact that the lights in front of the Senate are white and the lights in front of the House of Representatives are of another color, when they are in session. Whether this bears on the nature of their engagement, I certainly am mindful not to say, in view of the rules of comity between the bodies.

I do, however, express the hope that all of us have gained something from the very short recess we have had. I have observed that many Senators have been engaged in very important missions overseas and in this country. Some of them have been able to return to their respective constituencies, and the Senate will be the better for what Senators have learned.

Therefore, I hope that now we can get on, steadily and conscientiously, with the business of the Senate and with our usual high regard for our mutual talents and accomplishments.

I particularly am glad to assume my warm and friendly association with the distinguished majority leader and the distinguished assistant majority leader. I offer to help them in any way I can to expedite the business of the Senate, so that we may give a good account of ourselves to the American people, as we certainly have been trying to do.

ORDER OF BUSINESS

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

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

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

The second assistant legislative clerk (Ronald J. Morgan) 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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

Mr. ROBERT C. BYRD. I thank the Chair.

ORDER THAT H.R. 15276 BE TEMPORARILY HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the House of Representatives on H.R. 15276 be temporarily held at the desk until the close of business on Wednesday of this week.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask that the time for the quorum call be charged against the time allotted to me.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 5 minutes.

Is there further morning business?

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF THE PACIFIC TROPICAL BOTANICAL GARDEN

A letter from the Counsel to the Pacific Tropical Botanical Garden transmitting, pursuant to law, the audit report for the Corporation for the period from January 1, 1973, through December 31, 1973 (with an accompanying report). Referred to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by the Common Council of the City of Buffalo, N.Y., endorsing the health security program contained in the bill (S. 3) and the bill (H.R. 22). Referred to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MOSS, from the Committee on Commerce, with an amendment:

S. 2373. A bill to regulate commerce and protect consumers from adulterated food by requiring the establishment of surveillance regulations for the detection and prevention of adulterated food, and for other purposes (Rept. No. 93-985).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 6642. An act to suspend the duties of certain bicycle parts and accessories until the close of December 31, 1976 (Rept. No. 93-986); and

H.R. 8214. An act to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes (Rept. No. 93-987).

COVERAGE OF NONPROFIT HOSPITALS UNDER THE NATIONAL LABOR RELATIONS ACT—CONFERENCE REPORT (REPT. NO. 93-988)

Mr. WILLIAMS, from the committee of conference, submitted the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3203) to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes, which was ordered to be printed.

ORDER FOR STAR PRINT OF COMMITTEE REPORT NO. 93-983

Mr. McCLELLAN. Mr. President, I ask unanimous consent for a star print of report No. 93-983, and the reason for this request is to correct several technical and printing errors in the original print.

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

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. LONG, from the Committee on Commerce:

James V. Day, of Maine, to be a Federal Maritime Commissioner.

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

CHANGE OF REFERENCE

Mr. SPARKMAN. Mr. President, I ask unanimous consent that S. 2677, a bill to implement the United Nations Educational, Scientific, and Cultural Organization Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property be rereferred to the Committee on Finance, and that the Committee on Foreign Relations be discharged from further consideration of this bill.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CURTIS (by request):

S. 3726. A bill to amend the Food Stamp Act of 1964, as amended, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. CURTIS (by request):

S. 3727. A bill to repeal certain acts making permanent appropriations and authorizing annual appropriations for the support of colleges of agriculture and mechanic arts. Referred to the Committee on Agriculture and Forestry.

By Mr. SYMINGTON:

S. 3728. A bill to obtain adequate nuclear information essential to Senate decisions. Referred to the Joint Committee on Atomic Energy.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3729. A bill to designate certain lands in the Flathead and the Lewis and Clark National Forests, in Montana, as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. HELMS (by request):

S. 3730. A bill to amend section 8d(2) of the Agricultural Adjustment Act of 1933, reenacted, amended and supplemented by the Agricultural Marketing Agreement Act of 1937, as amended, to provide authority to grant certified public accountants access to confidential records for the purposes of making an audit. Referred to the Committee on Agriculture and Forestry.

By Mr. GRAVEL:

S. 3731. A bill to modify the Crater- Long Lakes division of the Snettisham project, Alaska, with respect to the terms and period of amortization of the capital investment of the United States in such project. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 3732. A bill to provide for an extension of the life of the American Revolution Bicentennial Administration, and for other purposes. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CURTIS (by request):

S. 3726. A bill to amend the Food Stamp Act of 1964, as amended, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. Mr. President, I am introducing today by request a bill to amend the Food Stamp Act of 1964, as amended.

I ask unanimous consent that a copy of the transmittal letter from the Acting Secretary of Agriculture, the bill, and a section-by-section analysis be printed in the RECORD immediately following my remarks.

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

MAY 23, 1974.

Hon. GERALD R. FORD,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft of a proposed bill to amend the Food Stamp Act of 1964, as amended.

The enclosed bill sets forth the revisions in the Act which are required because some provisions are now obsolete or inhibit good program administration. Section 3 concerning the eligibility of SSI recipients is of particular urgency. If no new legislation concerning the eligibility of SSI recipients for food stamps is enacted, the provisions of the Agriculture and Consumer Protection Act of 1973 (P.L. 93-86) will go into effect on July 1, 1974. This would produce serious administrative problems and inequities to recipients.

The recommended revisions in the Food Stamp Act will increase the effectiveness of the food stamp program and the Department's ability to administer it. In addition, these revisions will elicit the cooperation of State agencies since they include recommendations strongly supported by the States to improve their administrative capabilities.

The proposed revisions are:

Deletion of the relatedness and tax dependency provisions since these provisions of the Act were ruled unconstitutional by Supreme Court decisions;

Remedial language to simplify the eligibility determination of households with members who are recipients of supplemental security income;

Provide, until July 1, 1975, for simultaneous operation of the food stamp and food distribution programs only during transitional periods from commodities to food stamps;

Delete from consideration as income the value of housing income in kind;

Impose a requirement making illegally and temporarily present aliens ineligible for the program;

Delineate recipients' responsibility for failure to provide accurate and timely information needed for certification;

Delete the variable purchase provision which is now met through mandated semimonthly issuance of authorization-to-purchase cards;

Require the States to operate a quality control system;

Give State agencies an option to establish a system under which a food stamp household may elect to have its charge for the coupon allotment withheld from its public assistance check;

Reduce from "gross negligence" to "negligence" the standard for States' liability to the Federal Government for the value of bonus coupons issued through improper certification of applicant households.

Reduce the maximum penalty for misdemeanors from $5,000 to $1,000.

Make supplemental security income recipient eligible to receive food assistance through the commodity distribution program if they reside in one of the few areas where the program is still operating and they meet the income and resource criteria of that program.

We urge prompt and favorable consideration of this draft bill.

The Office of Management and Budget advises that the enactment of this proposed legislation would be in accord with the President's program.

A similar letter is being sent to the Speaker of the House.

Sincerely,

J. PHIL CAMPBELL,
Acting Secretary.

S. 3726

SEC. 2. Section 4(b) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(b) In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made for such period of time as the Secretary determines necessary, not to extend beyond July 1, 1975, to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a food stamp program: *Provided*, That the Secretary shall not approve any plan established under this Act which permits any household to simultaneously participate in both the food stamp program and the distribution of federally donated foods."

SEC. 3. (a) Section 5(b) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(b) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall establish uniform national standards of eligibility for participation by households in the food stamp program and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary. The standards established by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources, including both liquid and nonliquid assets, to be used as criteria of eligibility. The Secretary may also establish temporary emergency standards of eligibility for the duration of the emergency without regard to income and other financial resources, for households that are victims of a mechanical disaster which disrupts the distribution of coupons, and for households that are the victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commercial channels of food distribution have again become available to meet the temporary food needs of such households: *Provided*, That the Secretary shall in the case of Puerto Rico, Guam, and the Virgin Islands, establish special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico and the respective territories, except that in no event shall the standards of eligibility or coupon allotment schedules so used exceed those in the fifty States."

(b) Section 5 of said Act is further amended by adding the following new subsections (e), (f), and (g):

"(e) Effective July 1, 1974, the eligibility for participation in the food stamp program of any household which contains a member with respect to whom supplemental security income benefits are being paid under Title XVI of the Social Security Act shall be de-

termined on the basis of the uniform national eligibility standards for nonpublic assistance households established by the Secretary pursuant to this section."

"(f) No individual shall be eligible to participate in the food stamp program unless he is a resident of the United States, and is either (1) a citizen, or (2) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act)."

"(g) No household shall be permitted to participate, or to continue to participate, in the food stamp program if it refuses to submit to the State agency information which will permit a determination as to its eligibility to participate or its level of participation in the program. The State agency may disqualify from participation in the program any household which is found to have fraudulently obtained coupons: *Provided*, That such period of disqualification shall not exceed one year. The Secretary shall issue regulations requiring each household which is certified as eligible to participate in the program to report to the State agency changes in the number of members in the household, and changes in the amount of the household's income, resources, or other circumstances which affect the household's participation in the program."

SEC. 4. Section 7(b) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(b) Notwithstanding any other provision of law, households shall be charged for the coupon allotment issued to them, and the amount of such charge shall represent a reasonable investment on the part of the household, but in no event more than 30 per centum of the household's income: *Provided*, That coupon allotments may be issued without charge to households with income of less than $30 per month for a family of four under standards of eligibility prescribed by the Secretary."

SEC. 5. Section 10 of the Food Stamp Act of 1964, as amended, is amended as follows:

(a) Subsection (e) is amended by inserting in clause (7), after the word "law", the following: ", and at the option of the State agency,"; and striking the period at the end of clause (8) and inserting in lieu thereof the following: ", and (9) establishment of a quality control program which, as a minimum, shall monitor the eligibility of a household during the month of participation, and the validity of the purchase requirement and the total coupon allotment."

(b) Subsection (g) is amended to read as follows:

"(g) If the Secretary determines that there has been negligence or fraud on the part of the State agency in the certification of applicant households, the State shall upon request of the Secretary deposit into the separate account authorized by section 7 of this Act, a sum equal to the amount by which the value of any coupons issued as a result of such negligence or fraud exceeds the amount that was charged for such coupons under section 7(b) of this Act."

SEC. 6. Subsections (b) and (c) of section 14 of the Food Stamp Act of 1964, as amended, are amended by striking out "$5,000" and inserting in lieu thereof "$1,000."

SEC. 7. (a) Section 416 of the Agricultural Act of 1949, as amended, is amended by striking the last sentence thereof.

(b) Subsection (c) of section 4 of the Agriculture and Consumer Protection Act of 1973 is repealed.

SECTION-BY-SECTION ANALYSIS

SECTION 1

This section of the bill amends Section 3 of the Food Stamp Act of 1964, as amended, which defines the terms used in the Act.

Subsection (e) which defines the term "household" is amended to delete the requirement that household members under age 60 be related in order to qualify for the food stamp program. This requirement was ruled unconstitutional by the Supreme Court in its decision in the case of *Moreno v. USDA*, 413 U.S. 528. The amendment will bring the Act into conformance with the Supreme Court decision.

The amendment also deletes from the household definition the language on eligibility of supplemental security income recipients. The current temporary provision under which certain supplemental security income recipients may participate in the program will expire on June 30, 1974. On July 1, 1974, the complicated and costly provisions of Public Law 93-86 will become effective. Section 3 of this bill contains new provisions governing eligibility for food stamp of supplemental security income recipients.

SECTION 2

This section of the bill revises subsection (b) of Section 4 of the Food Stamp Act of 1964, as amended.

Subsection 4(b) has been revised to permit concurrent operation of the food stamp and food distribution program in any area only for a period of transition from the distribution to the stamp program and in no event later than June 30, 1975. The present Act provides authority to operate both programs in an area (1) during a period of transition from commodities to food stamps, (2) on request of the State agency, and (3) during temporary emergency situations. Since the food distribution program is being replaced by the food stamp program, authority for the simultaneous operation of both programs at the request of the State agency and during temporary emergency situations is unnecessary. Thus, by virtue of the revision, concurrent operation of the two food assistance programs is limited to transition periods necessary for smooth conversion to the food stamp program.

Since a number of States have demonstrated that it is impossible to implement the food stamp program in all political subdivisions by July 1, 1974, and Puerto Rico will phase in the program during fiscal year 1975, authority for concurrent operation of the food stamp and food distribution program is justified during the transitional period until July 1, 1975.

SECTION 3

This section of the bill revises subsection 5(b) and adds new subsections, 5(e), 5(f) and 5(g) to the Act.

Subsection 5(b) retains the concept that the food stamp program shall be limited to households whose income and resources are substantial limiting factors in the attainment of a nutritionally adequate diet. However, it excludes the housing payment in kind from the standards of eligibility. The inclusion of housing payments in kind not in excess of $25 is most unpopular among the States. To determine the value of in kind income, State agencies must develop expertise in estimating the value of housing or obtain guidance on the matter through other agencies or organizations. In either case, any possible savings to the program are more than offset by the complexities, if not impossibilities, of effectively administering this provision. Further, this provision would permit housing payments in kind to be disregarded for purposes of income, and thus be treated consistently with the way in which other payments in kind are handled under the food stamp and other welfare-type programs.

The revision of Subsection 5(b) further deletes the provision prohibiting the participation of certain tax dependents in the food stamp program. In its decision in the case of *Murry v. USDA*, 413 U.S. 508, the Supreme Court ruled that the "tax dependency" provision of the Act is unconstitutional. Thus, the "tax dependency" provision in the current Act is not enforceable.

A new Subsection (e) is added to Section 5 which revises the language contained in Section 3(e) of the current Act on eligibility of supplemental security income recipients.

Language added by subsection (e) provides that effective July 1, 1974, households which include members with respect to whom supplemental security income benefits are paid shall be treated as nonpublic assistance households and their eligibility is to be determined by the maximum income and resources eligibility criteria established for nonpublic assistance households. This revision will simplify administration and will be much less costly than the complex provision which will become effective on July 1, 1974, unless remedial legislation is enacted.

A new subsection (f) provides that illegally and temporarily present aliens may not participate in the program. The current Act does not contain such a provision; however, this requirement is consistent with the public assistance requirements of the Department of Health, Education, and Welfare, and the supplemental security income legislation.

A new subsection (g) delineates recipient's responsibilities under the program. This provision specifically requires recipients to provide information needed for the certification process and any subsequent audit or quality control review.

SECTION 4

This section of the bill revises subsection (b) of Section 7 of the Act.

Subsection (b) includes a variable purchase designed to enable those households short of cash for their full purchase requirement to derive some benefits from the program by purchasing a lesser amount of coupons—either one-fourth, one-half, or three-fourths—for a correspondingly reduced purchase requirement.

The revised language deletes this provision as the intent of this subsection of the Act is now met through mandated semi-monthly issuance of authorization-to-purchase cards. A household is now given the option of purchasing either a full allotment or a half allotment. Additionally, if the choice to buy half is made at the beginning of the month, the household has the option of purchasing the remaining half later. A variable purchase system utilizing only one card has given the household only one choice at one time during the month.

While past information has shown the usage rate of variable purchase to be low—under 5 percent—the incidence of manipulation of such cards appears to be increasing. Because of the nature of variable purchase such manipulation is difficult to detect and consequently has serious effects on program integrity.

SECTION 5

This section of the bill revises Section 10 of the Act.

The present subsection (e)(7) is revised and a new subsection (e)(9) is added.

Subsection (e)(7) is revised to give a State agency an option to establish a system under which a food stamp household may elect to have its charge for the coupon allotment withheld from its public assistance check. The Act now mandates a State agency to offer such a system. This service is costly and of questionable value. The public assistance withholding system offers the greatest advantage to the elderly and disabled who find it difficult to travel to purchase their coupons. Since the major users of the public assistance withholding system are now under the supplemental security income program where there is no withholding provision, the advantages of a mandatory public assistance withholding system in most areas are far outweighed by high costs and administrative difficulties. An optional system would permit a State to operate the system in an area where it would be helpful, such as rural localities lacking adequate transportation. The

State would not be required to bear the cost of administering such a system in larger metropolitan areas where public assistance withholding is not only of minimal usefulness but also subject to abuse. Giving the States this option could serve to gain their increased cooperation in other areas of greater program importance.

The new subsection (e)(9) requires the States to operate a quality control system. The Food Stamp Act does not now specifically provide for a quality control system.

Subsection (g) presently imposes upon State agencies liability to the Federal Government for the value of bonus coupons issued through "gross negligence" in the certifying of applicant households. The revised subsection would reduce this standard to "negligence". The term "gross" does not lend itself to precise definition. Even when a State agency has been admittedly negligent in the certification of recipients, the actual collection of claims is severely hampered by difficulties in proving that the degree of negligence is "gross." Thus, the Department finds itself in a most difficult position in establishing claims even where the Department remains totally convinced that losses to the Federal Government are attributable to a State's carelessness. By deleting the word "gross", proof of negligence would constitute a basis for asserting a claim and would permit a fair application of this provision.

SECTION 6

This section of the bill amends Section 14 of the Act.

Subsections (b) and (c) are amended to reduce the maximum penalty for misdemeanors from the current $5,000 to $1,000. A reduction of the penalties would permit misdemeanors to be prosecuted before magistrates under the Federal Magistrates Act. Consequently, the number of cases on the criminal dockets of the U.S. District Courts would be reduced, encouraging swifter and more frequent criminal prosecution of the more serious program violations. Minor recipient and retailer-type violations would be subject to faster and more frequent prosecution and thus would be more effectively deterred. In effect, this would significantly strengthen controls on violations.

SECTION 7

Subsection (a) of section 7 deletes a provision of section 416 of the Agricultural Act of 1949, as amended, which denies eligibility under the food distribution program (other than child feeding programs) to recipients of supplemental security income under title XVI of the Social Security Act. Subsection (b) repeals subsection (c) of section 4 of the Agriculture and Consumer Protection Act of 1973, which provides that, under certain circumstances, recipients of supplemental security income are not to be considered members of a household for purposes of the food distribution program for families. Operation of both of the statutory provisions which would be removed by this bill had been suspended for the period January 1, 1974, to July 1, 1974, by section 8 of Public Law 93-233, approved December 31, 1973, which contains provisions granting eligibility to some recipients under the family food distribution program for that period. The effect of the bill will be to remove all specific criteria for determining eligibility of supplemental security income recipients and make them eligible to receive food assistance if they meet the income and resource criteria otherwise applicable to that program.

By Mr. CURTIS (by request):

S. 3727. A bill to repeal certain acts making permanent appropriations and authorizing annual appropriations for the support of colleges of agriculture and mechanic arts. Referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. Mr. President, I am introducing by request a bill to repeal certain acts making permanent appropriations and authorzing annual appropriations for the support of colleges of agriculture and mechanic arts.

I ask unanimous consent that a copy of the transmittal letter from the Secretary of Health, Education, and Welfare and the bill be printed in the RECORD immediately following my remarks.

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

DEPARTMENT OF HEALTH,
EDUCATION, *and* WELFARE,
June, 12, 1974.

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

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To repeal certain Acts making permanent appropriations and authorizing annual appropriations for the support of colleges of agriculture and mechanic arts."

This bill would repeal the Second Morrill Act of 1890 which makes a permanent appropriation for the supplemental support of land grant colleges. That Act, coupled with a provision in the Department of Agriculture Appropriations Act of 1908 which makes an additional permanent appropriation (which we also propose be repealed) for the same purpose, provides $50,000 annually to each State for such colleges. The draft bill would also repeal the permanent authorization under section 22 of the Bankhead-Jones Act for an annual appropriation of $12,460,000 which is allotted among the States, Puerto Rico, the Virgin Islands, and Guam for additional support for such colleges.

The statutes proposed for repeal were originally enacted to provide for more complete endowment, maintenance and support of the land grant colleges. With the passage of time, the colleges have grown in size and strength, while Federal support for higher education has increased markedly and changed over time with the enactment of many other aid to education programs that are better geared to need. The formula grant money provided to land grant colleges through the Second Morrill Act and the Bankhead-Jones Act now makes up a minuscule percentage of their support. Rather than continuing this formula distribution, the Administration believes that the most effective means of providing Federal support for higher education is to allocate funds according to need, emphasizing student assistance programs and specific institutional support targeted where the need is greatest. An example of the latter is the Developing Institutions program under title III of the Higher Education Act. The budget for this program has quadrupled from its fiscal year 1968 level of $30 million to a 1975 request of $120 million. The black colleges which receive small sums each year under the Second Morrill Act are eligible for substantially larger grants under the Developing Institutions program.

Because participation in the Agricultural Extension Program under the Smith-Lever Act (7 U.S.C. 341) is conditioned on an institution receiving benefits under either the First or Second Morrill Act, the repeal of the Second Morrill Act would render a number of schools presently participating in the Extension Program technically ineligible for such participation. That result is not intended by this legislation, and section 2 of our draft bill is intended to preserve the eligibility of Second Morrill Act colleges under the Smith-Lever Act.

As noted above, the relatively insignificant institutional support that is provided through the Second Morrill Act and the Bankhead-Jones Act does not justify either the permanent appropriation or the annual authorization provided by those Acts. Those schools most in need are better served by the Developing Institutions program.

I therefore urge prompt and favorable consideration of this proposal.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

CASPAR W. WEINBERGER,

Secretary.

S. 3727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 841 of the Act of August 30, 1890, 26 Stat. 417 (7 U.S.C. 321–326a, and 328); the tenth paragraph of the Emergency Appropriation in chapter 2907 of the Act of March 4, 1907, 34 Stat. 1281 (7 U.S.C. 322); and section 22 of the Act of June 20, 1935, 49 Stat. 439 (7 U.S.C. 329) are repealed, effective for fiscal years beginning after June 30, 1974.

SEC. 2. Nothing in this Act shall affect the eligibility of any institution to receive benefits under the Act of May 8, 1914, 38 Stat. 372 (7 U.S.C. 341, et seq, the Smith-Lever Act).

By Mr. SYMINGTON:

S. 3728. A bill to obtain adequate nuclear information essential to Senate decisions. Referred to the Joint Committee on Atomic Energy.

ADEQUATE NUCLEAR INFORMATION ESSENTIAL TO SENATE DECISIONS

Mr. SYMINGTON. Mr. President, I am introducing legislation today to bring to the Senate adequate and full information on nuclear weapons and policies.

For many years some of us have believed that Members of the Senate should have all information in the nuclear field which is a prerequisite to legislative decisions for which all Senators are responsible.

The nuclear explosion in India, the spread of U.S. nuclear assistance to some 29 additional countries, the steadily developing world traffic in nuclear expertise and technology would appear to have finally stimulated public interest in this and other countries to the grave and growing problems of nuclear proliferation.

These events further underscore the need for the Congress and the people to have all information that would not help a possible enemy, so that dangers may be assessed, and further emphasis be placed on nuclear programs, policies, and safeguards.

Membership on the Joint Committee on Atomic Energy over recent years has long convinced me that the unnecessary secrecy which continues to surround details of this new force has already cost the American taxpayers many billions of unnecessary dollars.

Last month, when appearing before the Commission on the Organization of the Government for the Conduct of Foreign Policy. I spoke on the subject of foreign policy, and unnecessary nuclear secrecy. At that time I noted the increasing danger of real nuclear disaster which comes as the material to make nuclear weapons becomes steadily more available. I suggested that steps should be taken to insure that the American people have all truth on this subject which could not aid a possible enemy.

Accordingly, I believe it would be ad-

vantageous to amend the Atomic Energy Act so as to require the Joint Committee to report to the Senate twice a year those facts and figures important to our legislative decisions, some of which, to my certain knowledge, have been made without adequate information, or with inadequate information.

The bill offered today amends the Atomic Energy Act of 1954 to give the Joint Committee on Atomic Energy the statutory duty of making two reports to the Senate through the senatorial members of said Joint Committee.

A major purpose of the reports would be to provide Senators with nuclear facts and information "the knowledge of which could contribute to the exercise of an informed judgment" on matters of foreign policy, defense, international trade, and in respect to the expenditure of and appropriation of Government revenues.

Some material of a sensitive nature might well have to be presented in executive session, but as much information as possible should be give in open session so as to in turn give public understanding and discussion.

I earnestly hope the Congress will approve this means of affording all Senators with a knowledge of nuclear matters; that in turn would make it possible for them to reach an informed decision on such matters.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD following my remarks, and also an article appearing in the Washington Post newspaper of today, by Thomas O'Toole, entitled "The Proliferation of Plutonium."

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

S. 3728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Atomic Energy Act of 1954 is amended to read as follows:

"SEC. 202. AUTHORITY AND DUTY.

"a. The Joint Committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. During the first ninety days of each session of the Congress, the Joint Committee may conduct hearings in either open or executive session for the purpose of receiving information concerning the development, growth, and state of the atomic energy industry. The Commission shall keep the Joint Committee fully and currently informed with respect to all of the Commission's activities. The Department of Defense shall keep the Joint Committee fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy. Any Government agency shall furnish any information requested by the Joint Committee with respect to the activities of responsibilities of that agency in the field of atomic energy. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the Joint Committee. The members of the Joint Committee who are Members of the Senate shall from time to time report to the Senate, and the members of the Joint Committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiciton of their respective Houses which are referred to the Joint Committee or otherwise within the jurisdiction of the Joint Committee.

"b. Through members of the Joint Committee who are members of the Senate, the Joint Committee, twice in each session of the Congress, shall cause to be made to the Senate a report on the development, use and control of atomic energy for the common defense and security and for peaceful purposes. Each report shall provide those facts and information concerning nuclear energy, nuclear weapons and nuclear policies, the knowledge of which could contribute to the exercise of informed judgments by all Senators on matters of foreign policy, defense, international trade, and in respect to the expenditure and appropriation of government revenues. Reports shall be presented formally under circumstances which provide for clarification and discussion by the Senate. In recognition of the need for public understanding, presentations of the reports shall be made to the maximum extent possible in open sessions and by means of unclassified written materials.

THE PROLIFERATION OF PLUTONIUM

(By Thomas O'Toole)

When nuclear scientists were collecting plutonium for the world's first atomic bomb, they measured it out in thimbles. Today, enough plutonium leaks out of the nation's bomb factories every year to make the equivalent of five bombs. There is in storage in the United States alone plutonium for 20,000 atomic weapons. Around the rest of the world, there is plutonium enough for another 5,000 bombs.

The mind reels when one considers how plutonium will multiply in the next 25 years. By 1985, the world will be producing 220,000 pounds of the gray-colored metal every year, enough for 10,000 bombs with a force of 20 kilotons each. By the year 2000, plutonium will be a commonplace metal and part of the world's nuclear energy economy. There is one stark fact about plutonium. Twenty pounds of it will make a crude but convincing explosive. India did it with less, and there was nothing crude about the bomb they exploded in May.

At no time in the nuclear age has the specter of atomic spreads loomed so large. India joined the "club" by diverting plutonium out of a research reactor built for it by Canada. Egypt has a similar reactor the Soviet Union built. Israel has one built by France. Most weapons experts assume Israel has already assembled several bombs, but has not tested one for fear a test would goad Egypt to do the same.

More than 20 countries have failed to sign the Non-Proliferation Treaty forbidding them from developing their own atomic weapons. Another 28 have signed the treaty, but have not ratified it. At least 10 countries are considered "threshold" nuclears who have not signed or ratified the treaty because they're keeping their atomic options open.

West Germany is one, Japan another. Sweden and Italy and even Switzerland are European possibilities. Argentina and Brazil are South America's near-nuclear nations. Pakistan may want the bomb because India has it. Australia and Indonesia are outside choices for the same reason. South Africa is a likely candidate because of its fear of Black Africa. South Korea has a different fear of North Korea, but is a candidate too.

There is a growing belief among the world's nuclear diplomats that atomic spread is inevitable. The many nations that have neither signed nor ratified the proliferation treaty should have done so by now if they ever planned to do so. India set the example this year for the others. The heat is off. They can decide to go nuclear without the worry of worldwide reprimand.

The superpowers were oddly mute in their criticism when India tested its bomb. They expected it. The next nation to get the bomb will probably get the same silent treatment. Again, the superpowers expect nuclear spread to take place. What they don't expect is that any nation choosing to acquire atomic weapons will ever choose to use those weapons.

The Atomic Energy Commission's Edward B. Giller is an articulate witness to this expectation. He points out the differences between acquiring a bomb and building a nuclear force. He says he doesn't expect any nation to develop one weapon and then use it against a neighbor, but if one did that it could expect to be repaid in kind.

"I don't know what a country can do with a bomb these days except blackmail its own neighbor," Gen. Giller said the other day. "But even if you get your neighbor, there are a lot of other guys around the world who will want to make an example of you. You might find the Russians and the Americans falling all over themselves to make a world example of what happens to nations who tinker with nuclear weapons."

There are those who worry that any nuclear exchange betwen emerging nations would be the spark to ignite World War III. The fear here is that the superpowers would take sides, in roughly the same way they took sides in the Mideast. Taking sides once an atomic attack has taken place might lead to nuclear escalation.

When Defense Secretary James R. Schlesinger was with the Rand Corp. seven years ago, he wrote an article for the Yale Review about the dangers of nuclear spread. He took the approach then that a nuclear attack by an emerging nation would not be enough to trigger a world nuclear war. He says today that he hasn't changed his thinking.

"Any initiation of nuclear weapon use by third parties would instantly stimulate the alertness and sobriety of the major powers," Schlesinger wrote. "Prudence would become the watchword, and tendencies toward rash action reduced. Rather than a quick escalatory spiral, the likely outcome would be an attentive search for means to dampen or settle the local conflict."

Not that Schlesinger is in favor of nuclear spread. Seven years ago, he wrote that proliferation brings "serious risks in its train." He said it could lead to the political unsettlement of much of the world, could destabilize the Third World and might even threaten the risk of a small-scale attack on the United States. Most seriously, it might disrupt the nuclear strategies of the superpowers that have served to keep the world from nuclear war these last 20 years.

"It is with good reason," he said then, "that American policy seeks to avoid nuclear spread."

Unhappily, it gets harder and harder to avoid nuclear spread. The reason is straightforward. The world is slowly running out of oil and gas at a time that emerging nations need both to energize their economies. The only thing left is nuclear power, the very instrument (through plutonium diversion) of nuclear spread.

The U.S. is in a tough position to deny emerging nations their own nuclear power stations. If we do deny them then France, West Germany or the Soviet Union could supply it, out of pure competitive reasons to get the business. The risk of resentment against those who deny nuclear power also runs high, a risk that could incite terrorism and revolution inside the Third World.

The genie has been out of the bottle for almost 30 years, which suggests that the world has found a way to live with the bomb. There is a natural tendency to view nuclear spread with nothing but alarm, but such a viewpoint brings to mind the comment of one Washington observer who said 10 years ago that coping with proliferation required the

services of only two men—one to count and the other to wring his hands.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3729. A bill to designate certain lands in the Flathead and the Lewis and Clark National Forests, in Montana, as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. METCALF. Mr. President, I am introducing today for Senator MANSFIELD and me a bill to extend wilderness protection to some 378,200 acres in northwestern Montana on the Middle Fork of the Flathead River. The area would be called the Great Bear Wilderness in honor of its prime resident, the grizzly bear.

Twenty years before passage of the Wilderness Act, a number of foresighted Montana conservationists sought protection for the outstanding wilderness qualities of the Middle and South Forks of the Flathead River. Unfortunately, their efforts were unsuccessful. Since that time, man's activities have altered much of the land area and the wilderness of 30 years ago no longer exists.

There remains, however, an opportunity to preserve, for tomorrow's citizens, the wild land and waters of the Flathead River's Middle Fork. And today, we have a legal means to insure protection of these resources and values, the Wilderness Act of 1964. History tells us, in clear terms, that today's values will be degraded if we ignore what may be our last opportunity to protect these lands.

The public lands and waters of the Great Bear Wilderness proposal presently provide habitat for two species of America's diminishing wilderness wildlife—the grizzly bear and the west slope cutthroat trout. The steep mountainous terrain of the headwaters of the Middle Fork shelter one of the last free-moving grizzly bear populations in the continental United States. Grizzlies are true wilderness animals and without wild land they will perish. The grizzly faces extinction mainly because man has steadily taken his habitat through logging, roading, dam construction, and other developmental activities. In this proposal we will provide a vital habitat link between Glacier National Park and the Bob Marshall Wilderness.

The west slope cutthroat trout has been reduced to threatened species status due to destruction of spawning habitat throughout its former range. There are three major forks in the Flathead River system—South, North, and Middle. Dams, mining, and subdivision development have greatly reduced the water quality of the North and South Forks. The survival of this native trout species and other important sport fish in the Flathead River system is dependent on protection of the upper Middle Fork watershed. The Great Bear Wilderness will accomplish that objective.

Mr. President, there are other factors which recommend inclusion of the upper Middle Fork and surrounding wild land in the National Wilderness Preservation System. It is a starkly beautiful mountainous area which supports populations of bear, elk, lynx, moose, mountain goat, coyote, ducks, grouse, and many nongame wildlife species. The mountains, valleys, and streams of the proposed wilderness are unexcelled for hiking, hunting, backpacking, horseback trips, fishing, ski touring, whitewater boating, photography, and other outdoor activities.

The Great Bear Wilderness proposal consists entirely of public lands unspoiled by the hand of man. Within the proposed boundary are lands where man can find solitude, gain awareness, develop his spirit of adventure, or simply renew himself. These are priceless values which are increasingly difficult to obtain.

Much of the timber resource within the Middle Fork is contained in areas classified as marginal zones by the U.S. Forest Service. A marginal zone is defined as one where logging by present methods would cause irreparable resource damage or involve costs in excess of values. The area is a de facto wilderness, presently managed much as it will be after receiving formal wilderness designation and the legal protection such designation provides.

There has been widespread citizen support expressed for preservation of this area. In the late 1960's, when plans to build roads and develop the Middle Fork threatened its wild land and water resources, citizen concern led to consideration of those values. Overwhelming support was voiced to protect not only the wilderness nature of the area, but the free-flowing river as well. Strong support has already been given by the Montana Wilderness Association, Wilderness Society, Flathead Lakers, Flathead Wildlife, Inc., National Wildlife Federation, Trout Unlimited, Guides and Outfitters, Federation of Western Outdoor Clubs, and Sierra Club. The outcome of this broad support to preserve this area and its values for future Americans is the Great Bear Wilderness proposal before you today.

Mr. President, I send to the desk my bill to create the Great Bear Wilderness. I ask that its text be printed at this point in the CONGRESSIONAL RECORD.

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

S. 3729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), the following described lands in the Flathead and the Lewis and Clark National Forests, Montana, comprising about three hundred seventy eight thousand two hundred acres, are hereby designated as wilderness:

Beginning at the southeast corner, section 34, township 32 north, range 18 west, M.P.M. (approximate longitude 113° 53′ latitude 48° 29′) (approximate elevation 4840′).

Thence 140° for 6.5 miles to a ridgepoint on the Wahoo Creek-Cascadilla Creek divide (approximate elevation 6020′)

Thence 117° for 0.9 miles to a ridgepoint on the Cascadilla Creek-Crystal Creek divide. (elevation 5736′)

Thence 156° for 1.2 miles to a ridgepoint on the Crystal Creek-Stanton Creek divide. (elevation 6352′)

Thence northeasterly for 0.7 miles down the Crystal Creek-Stanton Creek ridge to the township 31 north-township 30 north line near the southeast corner of section 34 township 31 north, range 17 west. (approximate elevation 5720′)

Thence 90° for 1 mile to the southeast corner of section 35, township 31 north, range 17 west. (approximate elevation 3680′) Near Stanton Creek.

Thence 158° for 1.4 miles to a ridgepoint on Grant Ridge. (elevation 5896′)

Thence south-southwesterly for 1.1 miles up Grant Ridge to a ridgepoint on the Hidden Creek-Tunnel Creek divide. (approximate elevation 7100′)

Thence 151° for 2.7 miles to a ridgepoint on the Pinnacle Creek—Paola Creek divide. (approximate elevation 6840′)

Thence southwesterly for 0.6 miles to a ridgepoint on the Pinnacle Creek-Paola Creek divide. (elevation 6703′)

Thence 179° for 1.5 miles to a ridgepoint on Paola Ridge. (elevation 6666′)

Thence 149° for 0.9 miles to a ridgepoint on the North Fork Dickey Creek-South Fork Dickey Creek divide. (approximate elevation 6050′)

Thence west-southwesterly for 1.4 miles up the North Fork Dickey Creek-South Fork Dickey Creek divide to a ridgepoint on said divide. (approximate elevation 6800′)

Thence 148° for 1.5 miles to a ridgepoint on the South Fork Dickey Creek-Marion Creek divide. (elevation 7798′)

Thence northeasterly for 2.9 miles along the South Fork Dickey Creek-Marion Creek divide to a ridgepoint on said divide. (elevation 5842′)

Thence 180° for 0.5 miles to the Marion Creek-Essex Creek divide. (approximate elevation 5200′)

Thence southwesterly for 1.1 miles along the Marion Creek-Essex Creek divide to a ridgepoint on said divide. (approximate elevation 7000′)

Thence 152° for 1.7 miles to Snowshed Mountain. (elevation 7525′)

Thence easterly for 1.1 miles along the east ridge of Snowshed Mountain to a ridgepoint on said ridge. (elevation 7097′)

Thence 86° for 1.6 miles to a ridgepoint on the McDonald Creek-Sheep Creek divide. (approximate elevation 5520′)

Thence 138° for 0.9 miles to a ridgepoint on the Sheep Creek-Java Creek divide. (approximate elevation 4983′)

Thence 134° for 1.5 miles to a ridgepoint on the Bear Creek-Edna Creek divide. (approximate elevation 4330′)

Thence easterly along the Bear Creek-Edna Creek divide to the top of Mount Furlong. (elevation 7393′)

Thence 91° for 1.4 miles to Devils Hump. (elevation 7667′)

Thence northeasterly for 1.2 miles on the Bear Creek-Devil Creek divide to a ridgepoint on said divide. (elevation 6735′)

Thence 57° for 1.8 miles to a ridgepoint on the Devil Creek-Grizzly Creek divide. (elevation 6814′)

Thence 109° for 2.3 miles to a ridgepoint on the Snake Creek-Giefer Creek divide. (elevation 7511′)

Thence southerly 1.4 miles along the Giefer Creek-Twenty-Five Mile Creek divide to a ridgepoint on the Twenty-Five Mile Creek-Lynx Creek divide. (elevation 7324′)

Thence 224° for 1.4 miles to a ridgepoint on the Lynx Creek-Goal Creek divide. (approximate elevation 7170′)

Thence 118° for 1.9 miles to a ridgepoint on the Twenty Five Mile Creek-Ear Creek divide. (elevation 7042′)

Thence in a southeasterly then northeasterly direction along Patrol Ridge for 1.9 miles to a ridgepoint on said ridge. (elevation 6879′)

Thence 105° for 2.4 miles to a ridgepoint on the Granite Creek-Morrison Creek divide. (elevation 7193′)

Thence 50° for 1.8 miles to a ridgepoint on the northern portion of Slippery Bill Mountain. (elevation 7519′)

Thence southeasterly for 3.1 miles along Slippery Bill Mountain to the continental divide at a ridgepoint dividing Puzzel Creek and Cresent Creek. (elevation 7133′)

Thence southeasterly for 3.0 miles along the continental divide to a ridgepoint on the North Badger Creek-Elbow Creek divide. (approximate elevation 6810')

Thence north-northeasterly for 3.0 miles along the North Badger Creek-Elbow Creek divide to the highest of the Bruin Peaks. (elevation 7728')

Thence 93° for 3.2 miles to Curly Bear Mountain. (elevation 7940')

Thence southeasterly for 0.7 miles along the South Badger Creek-Lonesome Creek divide to Spotted Eagle Mountain. (elevation 8070')

Thence 108° for 2.7 miles to Scarface Mountain. (elevation 8275')

Thence southeasterly for 2.3 miles along the Steep Creek-Small Creek divide to the North Fork Birch Creek.

Thence easterly for 3.1 miles along the North Fork Birch Creek to the Lewis and Clark National Forest boundary.

Thence in a southeasterly direction for 8.9 miles along the Lewis and Clark National Forest boundary to the Sheep Creek-Scoffin Creek divide.

Thence in a southerly direction for 3.6 miles along the Sheep Creek-Scoffin Creek divide then along Walling Reef, crossing the North Fork Bupurer Creek, along the Washout Creek-Middle Fork Dupuyer Creek divide to Old Man of the Hills Mountain. (elevation 8237')

Thence 157° for 2.7 miles to Mt. Frazier. (elevation 8237')

Thence 164° for 1.6 miles to Mt. Werner. (elevation 8090')

Thence in a southwesterly direction for 4.3 miles along the East Fork Teton Creek-Muddy Creek divide then along the East Fork Teton Creek-Massey Creek divide to a ridgepoint on said divide. (elevation 6547')

Thence 259° for 1.5 miles to a ridgepoint on a south-southeast ridge of Mount Wright. (elevation 6654')

Thence 146° for 1.1 miles to a ridgepoint on the West Fork Teton River-North Fork Teton River divide. (elevation 6818')

Thence southeasterly for 2.7 miles along the Porcupine Creek-Waldron Creek divide to Mount Lockhart. (elevation 8691')

Thence westerly for 4.4 miles along the Olney Creek-Nesbit Creek divide and along Washboard Reef to the Bob Marshall Wilderness Area boundary. (continental divide)

Thence northerly then westerly for 52.5 miles along the Bob Marshall Wilderness Area boundary to the intersection of a line 0° from Limestone Peak to Dean Ridge.

Thence 0° for 3.8 miles to Dean Ridge.

Thence northwesterly along Dean Ridge for 3.7 miles to the intersection of a 90° bearing from Green Mountain.

Thence 270° for 2.8 miles to Green Mountain.

Thence northwesterly for 1.5 miles along the Twin Creen-Trail Creek divide to Bent Mountain.

Thence 276° for 5.8 miles to Beacon Mountain. (elevation 5367')

Thence 318° for 1.2 miles to a ridgepoint on the south ridge of Crossover Mountain dividing Hungry Horse Reservoir and Lower Twin Creek. (elevation 5139')

Thence northerly for 4.9 miles along the Hungry Horse Reservoir-Lower Twin Creek divide to Dry Park Mountain. (elevation 7196')

Thence 321° for 2.3 miles to a ridgepoint on the southwest ridge of Circus Peak. (approximate elevation 7130')

Thence 344° for 1.1 miles to Prospector Mountain. (elevation 8105')

Thence 315° for 2.0 miles to Baptiste Lookout. (elevation 6698')

Thence 341° for 2.7 miles to a ridgepoint on the Paint Creek-Logan Creek divide. (elevation 6431')

Thence 351° for 1.9 miles to a ridgepoint on the Felix Creek-Unawah Creek divide. (elevation 6481')

Thence 314° for 1.2 miles to a ridgepoint on the Harris Creek-Felix Creek divide. (elevation 6853')

Thence 330° for 2.6 miles to a ridgepoint on the Clorinda Creek-Canyon Creek divide; approximately 0.6 miles up the ridge from the old Canyon Lookout site. (approximate elevation 6960')

Thence 332° for 2.4 miles to a ridgepoint on the Murray Creek-McInernie Creek divide. (elevation 6890')

Thence 324° for 0.9 miles to Mount Murray. (elevation 7152')

Thence 340° for 2.0 miles to a ridgepoint on the Seagrid Creek-Riverside Creek divide. (approximate elevation (6170')

Thence 325° for 3.6 miles to a ridgepoint on the Lost Mare Creek-Hungry Horse Creek divide. (approximate elevation 5820')

Thence 359° for 1.5 miles to a ridgepoint on the Turmoil Creek-Lost Mare Creek divide. (elevation 6565')

Thence 340° for 1.6 miles to a ridgepoint on the Tiger Creek-Turmoil Creek divide. (elevation 6405')

Thence 287° for 0.8 miles to a ridgepoint on the Margaret Creek-Tiger Creek divide. (approximate elevation 6200')

Thence 277° for 1.2 miles to a ridgepoint on the Strife Creek-Margaret Creed divide. (elevation 5650')

Thence 331° for 5.3 miles to a ridgepoint on the Emery Creek-Kootenai Creek divide. (elevation 7175')

Thence northerly for 1.8 miles along the Middle Fork Flathead River-Kootenai Creek divide to the intersection of the southern line of section 32 township 32 north, range 18 west. (approximate elevation 6220')

Thence 90° for 2.7 miles to the point of beginning.

SEC. 2. The wilderness area established by this Act shall be known as the "Great Bear Wilderness" and shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

By Mr. HELMS (by request):

S. 3730. A bill to amend section 8d(2) of the Agricultural Adjustment Act of 1933, reenacted, amended and supplemented by the Agricultural Marketing Agreement Act of 1937, as amended, to provide authority to grant certified public accountants access to confidential records for the purposes of making an audit. Referred to the Committee on Agriculture and Forestry.

Mr. HELMS. Mr. President, I am introducing today, by request, a bill to amend the Agricultural Adjustment Act of 1933, as reenacted, amended, and supplemented by the Agricultural Marketing Agreement Act of 1937, as amended.

I ask unanimous consent that a letter of transmittal to the President of the Senate from Mr. Richard Ashworth, Deputy Under Secretary of Agriculture, and the text of the bill be printed at this point in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 4, 1974.

Hon. GERALD FORD,
President, U.S. Senate.

DEAR MR. PRESIDENT: Enclosed for consideration by the Congress is a draft of a proposed bill to amend Section 8d(2) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608d(2)), to provide specific authority to grant Certified Public Accountants access to confidential records for purposes of making audits of the operations of Federal milk market orders.

Milk market orders are designed to establish orderly marketing conditions for the sale of milk by dairy farmers to handlers. This is accomplished by fixing minimum prices which handlers pay to producers. These minimum prices are set at levels that reflect supply and demand conditions in the marketplace and assure consumers of an adequate supply of pure and wholesome milk.

The Agricultural Marketing Service of this Department is responsible for the administration of the 61 Federal milk marketing orders currently in effect in this country. Under existing practices the operations of these Federal milk marketing orders are now audited by the Office of Audit, Department of Agriculture. Because of other demands upon the Office of Audit, a substantial backlog of these audits has developed in recent years.

To assure regular and timely audit of the administration of the several Federal milk marketing orders, we propose to contract with Certified Public Accountants to conduct the audits which would otherwise be performed by the Office of Audit.

These Certified Public Accountants would be acting as independent contractors, would not be under Federal supervision, and, accordingly, would not be Federal employees. The use of Certified Public Accountants will permit annual audit of the Federal milk market orders.

The Office of Audit has been able to audit Federal milk marketing orders about once every 2½ years. This frequency is not adequate to assure effective administration of the Federal milk market order program. Each Federal Milk Market Order Administrator is responsible for the receipt and disbursement of substantial sums of money. Consequently, annual audit is both desirable and essential.

To perform satisfactory audits, it will be necessary for Certified Public Accountants to have complete access to the Market Administrators' books and records including information that is required to be held confidential under Section 8d of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608d). In addition to permitting Certified Public Accountants access to records of the Federal milk marketing orders, the proposed bill also provides for appropriate penalties for the unauthorized disclosure of information acquired by individuals and/or firms during the course of such audits.

The enactment of this legislation will not result in an increase in appropriations for this Department since the cost for employing Certified Public Accountants will be paid out of the milk marketing order assessment fund. This fund is derived from assessments on the industry.

In accordance with the provisions of Public Law 91-190, Section 102(C) the enactment of this proposed legislation would have no significant impact on the quality of the environment.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

RICHARD A. ASHWORTH,
Deputy Under Secretary.

S. 3730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (2) of Section 8d of the Agricultural Adjustment Act of 1933, reenacted, amended and supplemented by the Agricultural Marketing Agreement Act of 1937, as amendedt (7 U.S.C. 608d(2)), is amended by striking "or" at the end of clause (A), and by chang-

ing the period at the end of clause (B) to a comma and inserting the following: "or (C) the use of Certified Public Accountants to audit records relating to the operation of the agency established to administer a marketing order. All information so acquired by a Certified Public Accountant or member of his staff shall be for the exclusive use of and be available to the Secretary and such accountant and his staff shall be subject to the provisions of this section on the same basis as officers or employees of the Department of Agriculture."

Subsection (2) of Section 8(d) is further amended by striking out the last sentence and inserting in lieu thereof the following: "Any such officer, employee, or Certified Public Accountant or member of his staff, violating the provisions of this section shall upon conviction be subject to a fine of not more than $1,000 or to imprisonment for not more than one year, or to both; and in the case of any such officer or employee, he shall be removed from office, or in the case of any such Certified Public Accountant or member of his staff, he shall be ineligible thereafter to perform the functions authorized by this section.

By Mr. GRAVEL:

S. 3731. A bill to modify the Crater-Long Lakes division of the Snettisham project, Alaska, with respect to the terms and period of amortization of the capital investment of the United States in such project. Referred to the Committee on Interior and Insular Affairs.

Mr. GRAVEL. Mr. President, Alaska has come a long way since achieving statehood.

There are many needs yet to be met there, however, if its full potential is to be realized.

And certainly one of the most pressing of those is for an adequate and dependable supply of hydroelectric power with a rate structure low enough to bring it within reach of all prospective users.

That need has been increasingly evident over the past several years.

It is doubly so now, with the start of the oil pipeline project opening up a whole new vista for Alaskans, particularly in the expanding urban areas.

The demand we now face was not unforeseen.

Anticipating the essential future role of hydroelectric power, planners conceived and secured congressional authorization in 1962 of a development known as the Snettisham project to serve as a supply source for the State capital city of Juneau and the surrounding sector of the State.

Had the development progressed as planned, the dream of low-cost power for Juneau would be well along the way to reality.

Unfortunately, it has not turned out that way.

Almost from the start of work in 1967, the project has been plagued with problems.

There have been contract difficulties, construction delays and cost escalations beyond the normal rate of inflation.

Those factors combined to set the schedule for first-unit power production back by a full 18 months.

Disaster struck again within weeks after the start of project operation in December of 1973.

Strong winds and ice storms wrecked transmission line towers in early February completely disrupting service to Juneau after causing previous interruptions for protracted periods.

It will take at least until next September to complete temporary line repairs to insure restoration of service through the winter months and will require about 3 years to make permanent repairs, including probable relocation of the transmission lines.

The effect of all this has been to turn Juneau's dream into something of a nightmare.

Whereas the original cost of the project was estimated at about $43 million, the latest projection is for $90 million by the time the second phase of the development is finished in 1978 or later.

Whereas a whole rate of about 7.5 mills per kilowatt hour would have supported the project payout over a 50-year period, the rate is now pegged at 15.6 mills and will go higher when the additional costs are figured into the repayment base.

Juneau power users are in no sense responsible for the misfortunes that have plagued the project up to now but are, in a very real sense, the innocent victims of circumstances.

I think they are entitled to some relief from the harsh and onerous burden which this situation has imposed upon them.

I am today proposing such relief in the form of legislation providing for modification of the terms and extension of the period for repayment of the Snettisham project costs to the Federal Government.

My bill would stretch the amortization period to 60 years, with only token payments required during the first 10 years.

The first annual payment would be one-tenth of 1 percent of the principal, with that amount increasing by an additional one-tenth of 1 percent in each of the succeeding 9 years. Under that arrangement, the payment in the 10th year would be a full 1 percent of the total.

The balance of the amount due, including interest for the entire 60-year period, would then be repaid in installments over the last 50 years.

This arrangement would have the advantage of requiring the lowest payments during the period when the market for Snettisham power is still being developed and broadened and of delaying the bulk of the obligation until the project is at full power with a maximum of customers. In that way, it would mean a reduced burden for each individual user.

Let me stress that there is specific current precedent for the plan of graduated token payments which I have proposed. A similar provision was authorized in section 46 of this year's Water Resources Development Act—Public Law 93-251—with reference to a contract between the Corps of Engineers and the city of Aberdeen, Wash., covering water supply storage costs.

I am also advised that the amortization of some Bureau of Reclamation project provides a general precedent for concessions such as I am proposing in the Snettisham instance.

In my judgment, the special considerations provided in my bill are entirely proper and necessary for the protection of the legitimate rights and interests of the Juneau area and southeastern Alaska, and I firmly believe the legislation will contribute substantially to insuring that the project eventually fulfills the mission for which it was designed.

I am going to continue to work for completion of the development with as few additional delays as possible because I am convinced that it can be of tremendous future benefit.

It was in that context that I filed the request, subsequently granted by the Senate Appropriations Committee, that the Corps of Engineers be given authority to shift $1.4 million in existing funds to finance the temporary transmission repairs.

I have likewise urged that $700,000 be added to the corps fiscal 1975 budget for Snettisham to finance the first year of permanent repairs.

In pressing for those repairs I do not in any sense intend to foreclose the possibility of seeking to separate their costs from others entailed in the project and of asking for other reductions in the repayment schedule later to the degree to which Federal responsibility can be fixed for cost escalations.

Regardless of any such subsequent determination, however, I think it is important that some specific relief be provided to the Juneau area with respect to the amortization schedule.

That is the purpose of the bill which I am now introducing. I ask that it be promptly processed and referred for early committee consideration.

By Mr. MATHIAS:

S. 3732. A bill to provide for an extension of the life of the American Revolution Bicentennial Administration, and for other purposes. Referred to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President, I am introducing today a bill to extend the authorization for the American Revolution Bicentennial Administration which has recently come under the leadership of the Honorable John W. Warner. Mr. Warner promises to bring the ARBA a program that is both dynamic and creative. The current authorization for the American Revolution Bicentennial Administration expires on December 31, 1976. I am proposing that we extend the authority for the ARBA to December 31, 1983, so that we might commemorate the 200th anniversary of our emergence as an independent nation in a manner which will not only honor the past but, more importantly, shape the future.

In 1776, the American Colonies declared their independence. In 1783, the signing of the Treaty of Paris by the newly formed United States and Great Britain marked the recognition of that independence and of our self-determination as a nation.

In commemorating this anniversary, I would hope that we shall achieve a two-fold celebration. On the one hand, no national birthday would be complete without a reflection upon the events and the people who shaped our history. Certainly, our Bicentennial festivities should include parades, the issuing of commemorative coins and stamps, reenactments of historical events. Festivities such as these give us a deeper feeling of

belonging, a feeling of getting just a little closer to our beginnings. But, I believe the Bicentennial offers us a much greater opportunity—it offers us the chance to know not only who we as Americans were, but who we are and where we are headed. I would hope that in addition to the gaiety of the parades, our celebrations will also be marked by a solemn reflection and reaffirmation of the ideals and principles that motivated those who first launched the American experiment.

Clearly, from a historical viewpoint, a 1-year celebration does not correspond to the years of the American Revolution. Some of the most well-known events in our history occurred after 1776—the great naval battles of John Paul Jones, the winter hardships endured by General Washington and his troops at Valley Forge, the decisive battle of Yorktown and, of course, the climax of the Revolution with the signing of the Treaty of Paris. Every school child in this Nation learns of these events, and they become an integral part of our American consciousness—that same sense of self which motivated our forefathers. We cannot celebrate the year in which we declared our independence without also celebrating those contributions which made that declaration a reality.

Perhaps of even greater importance is the fact that a 1-year observance does not afford sufficient time for taking the ideals and goals of our formative days and relating them to the lives we lead in contemporary America. The Bicentennial is an opportunity that will not recur in our lifetime. We must not let it pass without revitalizing that cohesiveness of spirit and purpose which served us well in 1776 and which can once again be our strength today. The Bicentennial is an opportunity for a Nation of over 200 million people of all races, religion, ethnic backgrounds, all economic levels to see ourselves not only as unique individuals but as significant and necessary parts upon which depends the type of society we are to have today and the heritage we are to leave to the future. We enjoy a heritage both rich in principle and daring in design. We should not be content to leave as our contribution a heritage any less inspiring.

Walt Whitman expressed the depth of the American experience when he said:

> Did you, too, O friend, suppose democracy was only for elections, for politics, and for a party name? I say democracy is only of use there that it may pass on and come to its flower and fruit in manners, in the highest forms of interaction between men, and their beliefs—in religion, literature, colleges, and schools—democracy in all public and private life . . .

If we fail to recognize that depth, if the Bicentennial becomes a holiday time for empty clichés and tired sentiments, the spirit of the Revolution will have died. But if the Bicentennial can recapture the ideals, the wisdom, the courage, and forthrightness of early days and if the people take up these ideals once again and face the challenges ahead with wisdom and courage and justice, then we will have succeeded. But, we must first make a decision as to the importance which we place on this commemoration.

Abraham Lincoln once said, "Be not deceived, revolutions do not go backward." We will show something of ourselves as a people by the way in which we mark our 200th anniversary—whether we are a people who enjoy a reflective look at the past or a people who find even more rewarding a role in shaping the America of the future. By allowing ourselves adequate time, I am confident that our Bicentennial observance will show us as a people who revere the past, who improve the present, and who challenge the future.

Mr. President, I ask unanimous consent that the text of this bill be printed following my remarks.

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

S. 3732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 7(a)(2) of the Act entitled "An Act to establish the American Revolution Bicentennial Administration, and for other purposes", Public Law 93-179, approved December 11, 1973, is amended by striking out "1976" and inserting in lieu thereof "1983".

(b) Section 7(b) of such Act is amended to read as follows:

"(b) An annual report on the activities of the Administration, including an accounting of funds received and expended, shall be furnished by the Administrator to the Congress and a final report shall be made to the Congress not later than December 31, 1983. The Administration and the Board shall terminate on December 31, 1983, or on the date of the filing of the final report, whichever is sooner."

SEC. 2. Section 10(i) of such Act is amended by striking out "June 30, 1977" and inserting in lieu thereof "December 31, 1983".

SEC. 3. The second sentence of section 3 of the Act entitled "An Act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution", Public Law 92-228, approved February 15, 1972, is amended by striking out "June 30, 1977" and inserting in lieu thereof "December 31, 1983".

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2422

At the request of Mr. MATHIAS, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 2422 to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape.

S. 2801

At the request of Mr. PROXMIRE, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of S. 2801 to prevent the Food and Drug Administration from regulating safe vitamins as dangerous drugs.

S. 2938

At the request of Mr. JACKSON, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 2938, the Indian Health Care Improvement Act.

S. 3096

At his own request, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 3096, a bill to provide special assistance to small businesses affected by energy shortages.

S. 3666

At the request of Mr. PROXMIRE, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 3666 for the relief of Marlin Toy Co. of Horicon, Wis.

S. 3717

At the request of Mr. HUMPHREY, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. EAGLETON), and the Senator from Alabama (Mr. SPARKMAN) were added as cosponsors of S. 3717 to extend the Emergenry Petroleum Allocation Act of 1973 to June 30, 1976.

SENATE JOINT RESOLUTION 142

At the request of Mr. CURTIS, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of Senate Joint Resolution 142 proposing an amendment to the Constitution of the United States relative to the balancing of the budget.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 92

At the request of Mr. HUMPHREY, the Senator from Wyoming (Mr. MCGEE) and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Concurrent Resolution 92, expressing the sense of Congress that certain responsibilities of the U.S. Customs Service should not be transferred to the Immigration and Naturalization Service.

SENATE CONCURRENT RESOLUTION 93

At the request of Mr. PROXMIRE, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of Senate Concurrent Resolution 93 calling for a study by the Joint Economic Committee of the economy with special reference to inflation.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 347

At the request of Mr. MANSFIELD (for Mr. INOUYE), the Senator from Alaska (Mr. GRAVEL), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Montana (Mr. MANSFIELD), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Utah (Mr. BENNETT), the Senator from Louisiana (Mr. LONG), the Senator from Hawaii (Mr. FONG), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of Senate Resolution 347 to authorize the Committee on Commerce to make an investigation and study on the policy and role of the Federal Government on tourism in the United States.

AMENDMENT OF THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970—AMENDMENT

AMENDMENT NO. 1539

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

LIFTING OF THE TURKISH BAN ON OPIUM PRODUCTION

Mr. MONDALE. Mr. President, a little more than a week ago, on June 28, the Turkish Government announced that it would resume the production of opium which it banned 3 years ago. Today I would like to describe the tragic impact this action will have on the American people, and explain why as a consequence, I propose that all forms of U.S. economic and military assistance to Turkey be suspended.

The Turkish decision to lift the ban is a major setback in the struggle to rid this country of the menace of heroin. Before the ban in 1971, Turkey supplied more than 80 percent of the illegal heroin in the United States. There was an estimated 600,000 heroin addicts in this country, but even more important, the growth in heroin addiction was staggering. In the mid-sixties the estimated number of heroin addicts was between 50 and 100,000, concentrated mainly in New York City. By 1971, heroin addiction had become an epidemic, increasing 5- to 10-fold and reaching into every major city in America. No social class or ethnic group was immune. Heroin was a source of tragedy not only for the welfare mother in the ghetto but for the well-to-do suburban family as well.

Until the recent Turkish decision, heroin had ceased being front page news. The cut-off in cheap and plentiful supplies of Turkish opiates in 1971 created a drought in the heroin market. The cost of supporting a habit became astronomical. The dramatic increase in heroin addiction was stopped and then turned back. Addicts, unable to maintain their habits, came in off the streets and enrolled in various Federal and State and local rehabilitation programs.

As a result, since the Turkish opium ban, the number of heroin addicts in the United States has dropped more than 60 percent. Today the President's Special Action Office for Drug Abuse Prevention puts the total at less than 250,000. Here in the Nation's Capital the number of heroin addicts has gone from 16,000 at the end of 1971—the year the ban was imposed in Turkey—to only 2,000 today.

This dramatic progress in the fight against heroin is now placed in jeopardy. With Turkish opium again available to be made into heroin, pushers and dealers will now have access to easy supplies. The hard and painful work of rehabilitating addicts will be undermined. But what is worse, the pyramid sales game for heroin can start up again: pushers turning on more addicts to support their habit and each of the new addicts doing the same to support theirs, with the process repeating itself over and over. And the target market is the children of every one of us.

While the tragedy and human suffering may be confined to the individual addicts and their families, the social and economic cost will be borne by all of us. We all will pay for the crime and social disruption accompanying a renewed outbreak of the heroin epidemic. Firm data is difficult to establish, but the Drug Enforcement Administration estimates that the annual average cost of supporting a heroin habit is now more than $18,000. Using this figure, if heroin addiction again grows at the rate before the Turkish ban—more than 100,000 new addicts annually—we are talking about a $200 million increase each year for the dope dealers—most of it financed through burglary, theft, prostitution, muggings, and turning on even more addicts. The bill for law enforcement, insurance, court action and social programs to help those who can be salvaged will be many times greater.

When foreign governments seize American property without compensation, the law requires the termination of economic and military assistance. For example, we threatened to impose the so-called Hickenlooper amendment when Peru nationalized American oil companies worth approximately $150 million. The decision of the Turkish Government will cost America lives and property on a scale that dwarfs the value of the industries seized by the Peruvians. If heroin addiction in the United States should again increase to the 1971 level, the cost could well run into the billions of dollars.

What excuse or rationale does the Turkish Government have for lifting the ban? The Turks say that it is economically necessary, that they can prevent illegal diversion of opium, and that it is a domestic political matter. Each of these deserves our close consideration.

First the economic argument. The legal production of opium before the ban accounted for less than 1 percent of Turkish GNP, so legal production is hardly a critical factor. As for the farmers who grew it, the Turkish Government was not sufficiently concerned for their economic welfare even to spend most of the $35 million we provided to enable the farmers to switch to another crop.

In other words, when the Turkish Government 3 years ago agreed to ban opium production the United States appropriated money to pay the farmers for their losses. The Turkish Government did not even turn that money over in large part to the Turkish farmers who had suspended production of opium.

The economic argument only holds up if the Turks are talking about illegal opium production. That is where the money is made by those who grow it illegally, by a few rich families in Istanbul that finance illegal drug traffic, and by a few Turkish politicians who protect it. And that is the real economic incentive to lift the ban.

The Turkish Government, of course, claims it will closely control opium production and do everything in its power to prevent illegal diversion. Unfortunately that will not be good enough. The reason for a ban in the first place was because it was clear that opium production in Turkey could not merely be controlled. The financial rewards make corruption and bribery irresistible.

The personal and family relationships of many involved in the drug traffic go back decades if not centuries, and rival that of the so-called Mafia. In fact, many of the most notorious drug dealers have recently been let out of jail by the Government of Turkey.

If these facts were not enough, the way the decision was carried out and other actions of the Turkish Government make abundantly clear that there will be no effective enforcement of controls.

The Turkish Government's decision to lift the ban was made without the prior notification which we had been promised.

The Turkish Government is actually expanding opium production beyond that of 1971. At that time, when Turkey was the source of 80 percent of the heroin in the United States, opium was grown in only four provinces; now it will be grown in seven.

No specific safeguards or control measures of any kind were spelled out in the Turkish announcement.

As I just mentioned, the Turkish Government last month released all the convicted narcotics traffickers in the course of a general amnesty.

Mr. Erbut, the chief of the national police, who is considered a highly competent professional by U.S. drug enforcement officials, and who has made clear that controlling opium in Turkey is impossible, has been eased out of office by the present goverment.

In sum, the Turkish decision to grow opium again was taken despite our entreaties and in the full knowledge at the highest level of the Turkish Government that there is no way that the Turks can prevent opium from being illegally diverted into heroin and onto American streets.

I consider this a reckless and hostile act by a country for which I have long had great admiration and respect. I appreciate that growing opium poppies is a serious political issue in Turkey. But lifting the opium ban precipitates even more grave domestic problems in the United States—it amounts to a declaration of war against our children.

What can and should we do about this? Clearly we will have to put even more resources in trying to defend ourselves from the onslaught of heroin—more money for local, State, and Federal enforcement, for customs control, international surveillance, and arrests. But I think we must do more.

Legislation which I sponsored and which was enacted into law, requires the President to suspend all economic and military assistance including military credit sales when he determines that a country has failed to take adequate steps to prevent drugs, originating in that country, from entering the United States.

I have called upon the President to use this authority with regard to Turkey, but I am not confident he will do so.

The 1971 Turkish ban resulted from an effort at the highest level of this government—including the President himself—to stop the spread of heroin in the United States and to halt its entry by stopping it at the source. That high-level commitment stands in marked contrast to the silence that greets the subject today by our administration.

I have talked to our Ambassador to Turkey who is now returning for consultations. I believe he has made a serious and strong effort over several months to persuade the Turkish Government to maintain the ban. I have been told that high-level backing here at home might have made the difference, but he did not get it. The President has remained silent, the Secretary of State has remained silent. In all of their travels they have

not once gone to Turkey to discuss this issue even though it directly threatens the lives of thousands of Americans. In fact at the most delicate stage of the negotiations to maintain the ban, President Nixon's aide Ken Cole startled newsmen that the administration was considering growing opium in this country.

With this record, we must be skeptical about the likelihood that the President will exercise his authority to terminate military and economic assistance to Turkey. We must be prepared to take direct legislative action instead.

There will be many objections to legislating a direct cutoff in economic and military aid. These objections should be faced squarely. We are certain to hear the same tired national security arguments about how we cannot do anything to jeopardize our strategic position in Turkey, about the importance of our military bases and intelligence facilities there. I, for one, think it is time to reconsider both the strategic value of these installations, and even more importantly, the priority we give abstract concerns about strategic position over the concrete, and in this case brutal, costs to be borne by the American public in the name of national security.

First, let us take a hard look at the strategic situation. Our relations with the Arab countries have markedly improved. We are no longer clinging to the northern edge of the Eastern Mediterranean. We are home-porting naval vessels in Greece which enables us to offset the expansion in the Soviet Navy's Mediterranean deployment. Our alliance with Turkey in NATO has done nothing to curb the Soviet naval buildup in the Mediterranean even though their lifeline runs right through the Bosporus.

It is important to recognize that we cannot use our bases in Turkey except when Turkey is at war with the Soviet Union. Otherwise they are worthless. During the Arab-Israeli war last October, the Turks permitted the Soviet Union to overfly Turkey to resupply the Arabs, but would not let us use our bases there to refuel our reconnaissance aircraft. This example of favoritism to the Soviet Union provides a measure of how much our so-called strategic position in Turkey is worth.

In the remote case of conflict with the Soviet Union, our bases would be used to support the Turks. We apparently do not consider this threat imminent since a good portion of the U.S. aircraft in Turkey are based half of the time in Spain. We do not plan to mount strategic attacks on the Soviet Union from Turkey. In terms of overall strategic nuclear deterrence our bases there are obsolete—their real utility is to deter local aggression against Turkey. The Turks are not doing us a favor by letting us have bases; it is the other way around.

And what about our intelligence facilities there? Well, it is very easy to raise the specter of indispensable secret intelligence assets. But I believe that those who are truly knowledgeable in this area will support my contention that advances in satellite reconnaissance and other facilities are fully adequate to take care of our priority concerns without the use of those in Turkey.

The alleged strategic value of Turkey should no longer control our decisions in this age of strategic nuclear missiles, intelligence satelites, détente with the Soviet Union and rapproachment with the Arabs. It is not worth the kind of bargain in which we give Turkey almost a quarter of a billion dollars in economic and military assistance, as we plan to do this year, and in return the Turks provide us with tens of thousands more heroin addicts and hundreds of millions of dollars worth of crime.

The American people are fed up with this kind of foreign policy. They no longer accept definitions of national security that leave their children more threatened and their property less secure. There is great concern that the American people are again growing isolationist. The reason for this trend is simple: The American people are continually asked to pay for foreign policies that give them little or nothing in return. In this case it is even worse: they are being asked to spend $232 million this fiscal year on a country that will give back only misery and the conceit of some dubious strategic position.

The Turkish Government was aware of the possibility of an aid cutoff when it made its decision. So, I do not believe that we will lose our bases in Turkey as a result of terminating our aid. But if we do, so be it. For those who feel otherwise, I would only ask them to consider how many lives wrecked by heroin they are willing to pay for these bases.

It is inconceivable to me that in the light of the Turkish Government's decision the Congress will approve the administration's request for $232 million in economic and military assistance including credit sales to Turkey. I am therefore proposing that all such economic and military assistance and all such sales be suspended until such time as a ban on the growing of opium poppies in Turkey is again in effect.

What good will an aid cutoff do? Will it help get the ban reestablished? I think the answer is "yes." Money is the cause of lifting the ban and it will only be reimposed if we talk the same language. We are the major source of support for the Turkish Army and a principle source of aid for the Government. This action will provide an incentive for the Turkish Government to reconsider its decision. The only other suggestion I have heard is to pay still more for the Turks to reimpose the ban. Apart from being repugnant, I do not think this will work, because the Turks have not even spent all the money we gave them the first time.

Cutting off aid also will make clear to other governments that we are indeed serious and committed to combating heroin. This will be important in order to get the cooperation we need to defend ourselves from Turkish opium. The French Government in particular has made an enormous and costly effort to knock out the infamous French connection. What further sacrifices will they be prepared to make if we stand idly by and do nothing in response to the Turkish action?

Finally action by Congress to cut off aid to Turkey will demonstrate to the American people that we are going to pursue a foreign policy that serves interests of the average American for a change. This is essential if we are going to reestablish the broad popular support required for an effective foreign policy. And the support of the American people is more important strategically than Turkish friendship and Turkish real estate.

Mr. President, this year the administration proposes that we spend $232 million of American taxpayers' money in military and other assistance to the Turkish Government which has just decided to resume and expand production of the death-dealing opium poppy which they know will end up in the form of heroin afflicting the lives of thousands and thousands of Americans.

I consider it an outrageous act, one that is totally unjustifiable, and one which this country cannot tolerate.

For that reason, Mr. President, I am introducing today, and will propose that it shortly be brought up as an amendment, legislation to terminate all sales to Turkey under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, until such time as the Director of the Drug Enforcement Administration determines that a ban on the growing of opium poppies in Turkey is again in effect.

Mr. President, I ask unanimous consent that a proposed amendment terminating economic and military assistance to Turkey be inserted at this point in the RECORD.

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

AMENDMENT NO. 1539

On line 9 immediately before "That" insert "Sec. 1".

After line 7 insert the following new Section 2:

INTERNATIONAL NARCOTICS CONTROL

SEC. 2. That Section 481 of the Foreign Assistance Act of 1961, as amended, is amended by the addition of the following new paragraph (c):

"(c) The Government of Turkey, having announced its decision to resume the production of opium poppies, shall not be the recipient of economic and military assistance furnished under this or any other act, and all sales to Turkey under the Foreign Military Sales Act and under Title I of the Agricultural Trade Development and Assistance Act of 1954 shall be suspended, until such time as the Director of the Drug Enforcement Administration determines that a ban on the growing of opium poppies in Turkey is again in effect."

AMENDMENT OF THE EXPORT-IMPORT BANK ACT OF 1945—AMENDMENT

AMENDMENT NO. 1540

Mr. SCHWEIKER. Mr. President, I am today introducing an amendment to S. 3660, the new Export-Import Bank authority bill, to require that all Eximbank direct loans be made at the prevailing market rate for loans of comparable maturity.

As my colleagues know, the original purpose of the Eximbank was to subsidize and assist American exporters, to enable them to develop export markets in countries where normal financing arrangements were unavailable. Through most of the life of the Bank, there has been an underlying assumption that the

American economy has an unlimited capacity to produce goods for export, and that ever-increasing exports are, by definition, beneficial to our economy. To achieve expanded exports, the Eximbank has historically offered a modest interest rate advantage as compared to the private money market: for many years, when commercial prime rates fluctuated around 7 percent, the Eximbank interest rate was 6 percent.

In recent months, however three things have happened which indicate the necessity for my amendment. First, the Eximbank has expanded far beyond its original purpose, and is increasingly financing exports to the wealthy, industrialized nations, where private commercial financing is available. Indeed, Eximbank subsidies to the Soviet Union, which has a gross national product second only to our own, have amounted to hundreds of millions of dollars in the last year alone.

Second, the energy crisis and raw material shortages have demonstrated that the historical assumption underlying the Bank's activities is no longer valid; some exports are clearly not in our national interest today, and these should no longer be subsidized by our Government. Finally, inflation has driven the private money market interest rate from 7 to 12 percent, while the Eximbank has merely nudged its lending rate up to 7 percent.

The result, Mr. President, is that no businesman in his right mind can afford any longer to focus his production efforts on activities which will benefit our domestic economy. In Ex-Im's enthusiasm to subsidize exports, it has priced the American public right out of the marketplace, by making it twice as expensive to finance domestic sales as to finance foreign sales. At a time when international raw materials shortages would hamper our economy under the best of circumstances, this continuing Government subsidy of transactions against our national interest is nothing short of disastrous. Each deal hits the American taxpayer three times: our consumer prices go up, American jobs go down, and the taxpayer indirectly pays for the Eximbank subsidy.

I have already offered an amendment to absolutely prohibit Eximbank subsidies of fossil fuel exploration and production in communist countries. My amendment today will eliminate the Eximbank interest rate differential. I might add that the Overseas Private Investment Corporation, which in many respects has objectives analogous to those of the Eximbank, already adheres to a policy of making loans only at the prevailing private rate. This amendment will not cripple the Bank, but it will stop the Bank from crippling our economy.

Mr. President, I ask unanimous consent that the text of my amendment and the attached editorials from the Washington Post and the Wall Street Journal be printed in full following my remarks.

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

AMENDMENT NO. 1540

At the appropriate place in the bill, insert the following:

"( ) The Bank shall conduct its operations on a self-sustaining basis, and shall require the payment of interest on the unpaid balance of any extension of credit by the Bank at a rate which is not less than the prevailing private market rate on loans of comparable maturity, as determined by the Secretary of the Treasury as of the last day of the month preceding the date of the extension of credit."

[From the Washington Post, July 2, 1974]

THE EXIMBANK AND EXPORT SUBSIDIES

The Export-Import Bank and its troubles demonstrate the rising force of foreign trade as a political issue in this country. The bank is, for the moment, out of business because its authorizing legislation expired last Sunday. Normally a 30-day extension might have been expected to slide through Congress by unanimous consent but, it turned out, consent in the House was far from unanimous. The administration had to take the extension to a floor vote which was embarrassingly close for a temporary reprieve of this nature. Meanwhile, in the Senate, a broad coalition led by Sen. Adlai Stevenson II (D-Ill.) has written a series of sharp new restrictions into the bill that will presumably put the bank back into operation, later this summer, for another four years. One reason for this unusual challenge to the bank is its widening role as the vehicle for financing very large projects in the Soviet Union. Another reason is the suddenly massive scale of the subsidies that the bank offers through its low-interest loans to foreign companies, some of which are in direct competition with American industry.

To begin with a relatively small example, consider the Eximbank's loan last March of $22 million to a refinery in the Bahamas for oil desulfurization equipment. The loan was granted at the bank's 6 per cent interest rate. Since the commercial bank's prime rate then was about 9 per cent, the Eximbank loan represents a clear subsidy of at least 3 per cent, or $670,000 a year, to the Bahamian operation. This subsidy was granted at a time when the Nixon administration is trying to launch its Operation Independence to develop this country's domestic energy resources. The American companies that own the Bahamian refinery could not have obtained that $670,000 subsidy to build the same desulfurization plant in the United States. The desulfurization equipment will add to the volume of American exports as it goes out. But since it will produce oil for the American market, adding to our imports as it comes in, it is hard to believe that this subsidy is going to bring any very lasting benefit to the American balance of trade.

There are far more important examples of this mindlessly lavish pattern of export subsidies. The most spectacular was the bank's decision in late May to extend $180 million in loans to the Soviet Union for a cast complex to produce natural gas and fertilizer. The prime commercial rate was hovering just under 12 per cent at the time, while Eximbank's rate was still 6 per cent. Even assuming that the project could have obtained financing at the prime rate, the Eximbank loan represents a subsidy of 6 per cent, of $10.8 million a year. Why is the United States providing multi-million-dollar support to industrial development in the Soviet Union?

The Eximbank's standard answer is that we are only providing an inducement to them to buy American equipment which, in turn, means jobs from the Americans who produce it. But, to go a step further, some of the fertilizer will eventually come back to American markets. Perhaps by this point the reader will see why the administration is finding it an uphill job to get the Eximbank bill through Congress.

Some Congressmen oppose any trade benefits to the Soviet Union as long as they impede the emigration of Jews. Others oppose any benefits to Soviet trade at all. Still others, and these are standing on the firmest ground of all, oppose export subsidies in general. The Eximbank's only real defense of the practice is to observe, with a shrug, that after all most of the other industrial countries also subsidize their exports and, if we stop doing it, our exporters will be at a competitive disadvantage. While superficially attractive, that argument does not apply to many of the goods that the bank is most prominently subsidizing.

The chief categories of exports supported by Eximbank loans have generally been jet airliners, nuclear generators and fuel, oil and gas production gear, and agricultural commodities. In the field of the big jet airliners, all of the manufacturers are American and the question of international competition does not arise. Nuclear reactors are built under elaborate international agreements in which price is only one factor. For many types of oil and gas equipment, American companies are again the sole sources. As for agricultural commodities, foreign demand has been so strongly in the last two years that it has been pushing up American prices.

For most of its long life, the Eximbank has served a modest but useful purpose to which it now needs to be returned. During the Depression and in the years after World War II, it helped American companies sell abroad to buyers whose credit was at best shaky. It offered guarantees and insurance on the loans that made export sales possible. For most of the bank's life, the spread between its interest rates and the normal commercial rates was minor. It is only with the recent drastic rise in interest costs that the difference between normal commercial credit and Eximbank loans has turned into a tremendous subsidy. As one might expect, the industries with the least claim to this kind of aid—the aircraft and oil industries—have been the quickest to exploit it.

Congress can quickly resolve the most vexing of the issues in the Eximbank bill by a simple surgical operation to remove the interest subsidy. Congress can merely require its loans to be offered at prevailing commercial rates. The bank's other role, of guaranteeing and insuring loans, is valuable and needs to be preserved. Selling abroad, even for the small and inexperienced manufacturer, ought to be no more risky than selling at home. That is what Congress had in mind when it originally set up the Eximbank. It did not have in mind an open-ended system of subsidized loans to multinational corporations. The Eximbank bill gives Congress the opportunity to return to the rule that export subsidies are wrong in principle.

[From the Wall Street Journal, June 28, 1974]

A LONG LOOK AT THE EX-IM BANK

The authority of the Export-Import Bank expires today, which simply means that until Congress renews its authority the bank cannot make new loan commitments. How nice it would be if Congress took its time, say a year or two, before acting one way or another. It might even find that U.S. economic interests would be served by liquidation of the bank, which by our reckoning stays in business by sleight of hand and covert use of the taxpayers' money.

After all, the only thing the bank really does is subsidize exports. No matter how you slice it, it is a subsidy to provide 7% money to finance sale of a widget or an airplane to Ruritania or a computer to the Soviet Union, when an American businessman can't finance purchase of either for less than 11¾%. The bank gets privileged rates in the private capital market because the United States puts its full faith and credit behind the loans. Why the U.S. government should give the Ruritanian businessman a sweetheart deal that it won't give an American, save those at Lockheed, is beyond us.

The alleged economic justification for the bank's operation, which Ex-Im Bank Chairman William J. Casey pushes with great fervor, is that it improves the U.S. balance of

trade. Granted, an export is an export. But Mr. Casey would have us look at only one side of the transaction. There's no way he could persuade us that wresting capital away from Americans, then forcing it abroad through the subsidy mechanism, does anything but distort relative prices, misallocate resources and diminish revenues, with zero effect, at best, on the trade balance.

Sen. Lloyd Bentsen of Texas sees part of the economics when both sides of the transaction are analyzed. He has an amendment that "would prevent Ex-Im financing of those exports involving the financing of foreign industrial capacity whenever the production resulting from that capacity would significantly displace like or directly competitive production by U.S. manufacturers." He has in mind Ex-Im's subsidizing of a foreign textile or steel plant that competes with its U.S. counterpart, to the detriment of our balance of trade.

Senator Bentsen thinks it's okay to subsidize finished products, like airplanes, which the Ex-Im Bank does plenty of. But Charles Tillinghast Jr., chairman of TWA, doesn't like the idea. He says TWA is losing piles of money flying the North Atlantic against foreign competitors who bought Boeing 747s and such with subsidized Ex-Im's loans. If TWA got the same deal, it would save $11 million a year in finance charges. Mr. Tillinghast is currently pleading for a government subsidy so he can continue flying the North Atlantic and providing revenues in support of, ahem, our balance of trade.

Even if Ex-Im Bank subsidized only exports of goods and services which could not conceivably come back to haunt us directly, we see adverse economic effects. Subsidizing the export of yo-yos to the Ruritanians gives them a balance of trade problem that they correct by subsidizing the export of pogo sticks to us. Taxpayers both here and in Ruritania are thereby conned by this hocus pocus into supporting lower prices for yo-yos and pogo sticks than the market will support. In fact, all our trading partners have their own Ex-Im Bank to achieve exactly this end.

Two and three decades ago, when the Ex-Im Bank was a modest affair, its impact was relatively trivial. Now, it has $20 billion of lending authority and is asking Congress to bump this to $30 billion. By 1971, its impact on federal budget deficits had grown so large that Congress passed a special act taking the bank's net transactions out of the federal budget, so the deficit would *look* smaller. But the transactions have the same fiscal effect as a deficit, and the same drain on the private capital market. In the fiscal year just ending, the bank took $1.1 billion out of the capital market. In the next fiscal year, it expects to take $1,250,000,000 out of it.

There being no economic justification for the bank, Congress should feel no qualms about letting its authority lapse for a few years to watch what happens. The Russians, eager to continue getting something for nothing through the Ex-Im Bank, would be mildly unhappy. But they'd adjust by getting into the private capital markets with the underprivileged. We'd be surprised, too, if our trading partners didn't follow suit by scrapping these nonsensical subsidies. And if they don't, why should we complain about their taxpayers sending us subsidized pogo sticks?

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. JACKSON. Mr. President, I wish to announce for the information of the Senate and the public that open public hearings have been scheduled by the Subcommittee on Parks and Recreation on July 10, 1974, for 10 a.m. in room 3110 Dirksen Senate Office Building, to hear Government witnesses only, on the following bills:

S. 657, to designate the Hells Canyon National Forest Parklands Area, and for other purposes.

S. 2233, to establish the Hells Canyon National Recreation Area in the States of Idaho, Oregon, and Washington, and for other purposes.

ANNOUNCEMENT OF HEARINGS ON SOLID WASTE LEGISLATION

Mr. RANDOLPH. Mr. President, the Committee on Public Works will hold hearings on July 9, 10, 11, 15, 16, 17, and 18 on solid waste management and resource recovery legislation. These hearings will be held by the recently established Panel on Materials Policy of the Subcommittee on Environmental Pollution.

Last month the Panel on Materials Policy considered the report of the National Commission on Materials Policy, the disposal of hazardous wastes, and the Federal-State relationships in the field of solid waste management and resource recovery. This month's hearings will consider legislation including, S. 3560, the Solid Waste Utilization Act of 1974; S. 3549, the Energy Recovery and Resource Conservation Act of 1974; S. 3277, the Energy and Resource Recovery Act of 1974; S. 1086, the Hazardous Waste Management Act of 1973; as well as S. 3723, the Resource Conservation and Energy Recovery Act of 1974.

These hearings will be held in room 4200 of the Dirksen Senate Office Building. The invited witnesses for July 9, 10, and 11 include:

On July 9, 1974, at 9:30 a.m.: Mr. Grant J. Merritt, executive director, Minnesota Pollution Control Agency.

Ms. Idamae Garrott, councilwoman, Montgomery County, Md., on behalf of the National Association of Counties.

The Honorable C. Beverly Briley, mayor of Nashville, Tenn., on behalf of the National League of Cities-U.S. Conference of Mayors.

On July 10, 1974, at 9 a.m.: Panel primary material industries: Mr. George Stinson, chairman and chief executive officer, National Steel Corp., on behalf of the American Iron and Steel Institute; E. J. Spiegel, Jr., chairman, Solid Waste Council of the Paper Industry; Dr. Robert Testin, Environment Planning Division, Reynolds Aluminum Co., Richmond, Va.; and Mr. Ebon C. Jones, executive vice president and, general manager of Packaging Group, Owens-Illinois, Inc., Toledo, Ohio.

Mr. James A. Zwerneman, associate director, College of Business Administration and Economics, New Mexico State University.

On July 11, 1974, at 9:30 a.m.: Panel chemical and plastic industries: Mr. John Georges, director of environmental affairs, E. I. Dupont Co., Wilmington, Del.; and Mr. George J. Hanks, Jr., operations manager—environmental and related affairs, Union Carbide Chemical and Plastic Group, Union Carbide Chemical Corp., South Charleston, W. Va.

Panel can and bottle users: Mr. Sidney P. Mudd, president and chief executive officer, Joyce Beverages, Inc., New Rochelle, N.Y.; Thomas E. Lee, Jr., president, Wellslee Coca-Cola Bottling Co., Clarksburg, W. Va.; Mr. Frank Sellinger, Anheuser-Busch Co., St. Louis, Mo.; and Mr. Peter Stroh, Stroh Brewery Co., Detroit, Mich.

At 2 p.m.: Andrew Biemiller, director, AFL–CIO, Washington, D.C.

The areas to be covered on July 15, 16, 17, and 18 are as as follows: July 15, 9:30 a.m.: Unions—steel, aluminum, glass, and chemical workers;

July 16, 9:30 a.m.: Environmental and public interest groups;

July 17, 9:30 a.m., Recycling and secondary material industries; and

July 18, 9:30 a.m.: Environmental Protection Agency and the Department of the Interior.

The specific names for these invited witnesses will be announced at a later time.

Interested or affected parties desiring to submit statements for the record should transmit them in 10 copies by August 2, 1974, to the Committee on Public Works, room 4204, Dirksen Senate Office Building, Washington, D.C. 20510.

CONTINUATION OF JOINT HEARINGS BY DISTRICT OF COLUMBIA COMMITTEE AND A SUBCOMMITTEE OF JUDICIARY COMMITTEE ON WASHINGTON, D.C., AREA RAIL COMMUTER PROBLEMS

Mr. MATHIAS. Mr. President, joint hearings will be resumed by the District of Columbia Committee and an ad hoc subcommittee of the Judiciary Committee on S. 2255, a bill to require under the Washington Area Transit Authority Compact, the inclusion of rail commuter service in the mass transit plan, on Wednesday, July 10, 1974, at 10:30 a.m. in Room 6226, Dirksen Senate Office Building. Persons wishing to present testimony should contact Mr. Robert Bowie or Mr. Michael Smith, minority professional staff member, District of Columbia Committee, 6218 Dirksen Senate Office Building, by the close of business on Tuesday, July 9, 1974.

ANNOUNCEMENT OF HEARINGS ON BARRIERS TO HEALTH CARE FOR OLDER AMERICANS

Mr. MUSKIE. Mr. President, as chairman of the Subcommittee on Health of the Elderly of the Senate Committee on Aging, I would like to announce two hearings in the series of hearings on "Barriers to Health Care for Older Americans" on July 9 and 17 at 10 a.m. each day in room 1318, Dirksen Senate Office Building.

On July 9, the General Accounting Office will present its findings on the home health benefit under medicare and medicaid. Representatives of the American Geriatric Society and American Public Health Association will also testify on home health and day care for the elderly and the long-term care provisions of national health insurance proposals.

On July 17, the Subcommittee on Long Term Care will join with the Subcommittee on Health of the Elderly to further consider NHI long-term care proposals. Representatives from the Na-

tional Consumer League, American Nursing Home Association, and the American Association of Homes for the Aged will testify as well as Prof. Jules Berman from the University of Maryland.

ANNOUNCEMENT OF HEARINGS ON CONVEYANCE OF SUNDRY PUBLIC LANDS

Mr. JACKSON. Mr. President, I wish to announce a hearing by the Public Lands Subcommittee of the Interior and Insular Affairs Committee on H.R. 510, an act to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Ga., to the Jasper County Board of Education; H.R. 5641, an act to authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, N. Mex.; H.R. 7188, an act to modify the boundary of the Cibola National Forest, and for other purposes; S. 192, a bill to convey the interest of the United States in certain property in Fairbanks, Alaska, to Hillcrest, Inc.; S. 221, a bill to authorize the Secretary of the Interior to convey certain lands in the State of Wyoming; S. 1225, a bill to authorize the conveyance of certain property of the United States to the State of Alaska; S. 1819, a bill to direct the Secretary of the Interior to convey certain lands in Geary County, Kans., to Margaret G. More; S. 2429, a bill to authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, N. Mex.; S. 2808, a bill to authorize the Secretary of the Interior to sell certain rights in the State of Wyoming; S. 2859, a bill for the relief of Marian Law Shale Holloway; S. 3289, a bill to amend the act of August 10, 1939 (53 Stat. 1347), and for other purposes; S. 3518, a bill to remove the cloud on title with respect to certain lands in the State of Nevada; S. 3574, a bill to relinquish and disclaim any title to certain lands and to authorize the Secretary of the Interior to convey certain lands situated in Yuma County, Ariz.; S. 3593, a bill directing the Secretary of the Interior to convey certain lands to Valley County, Idaho; S. 3615, a bill to authorize the Secretary of the Interior to transfer certain lands in the State of Colorado to the Secretary of Agriculture for inclusion in the boundaries of the Arapaho National Forest, Colo.

The hearing will be held on July 16, 1974 at 10 a.m. in room 3110, Dirksen Senate Office Building. Those who wish to testify or submit a statement for inclusion in the hearing record should contact Steven P. Quarles, Special Counsel to the Committee, at 225–2656.

ADDITIONAL STATEMENTS

FOR GOD AND COUNTRY

Mr. ROBERT C. BYRD. Mr. President, we have all recently heard the yearly speeches of Fourth of July orators. Many of us have ourselves been asked to speak on this occasion. We all understand the difficulty of finding the right words to make patriotism and pride in our heritage come alive for those who hear us, especially for young people.

On July 7, Senator JOSEPH M. MONTOYA was privileged to address the members and guests of the Cathedral Church of St. John in Albuquerque, N. Mex., in a special celebration of the Independence Day holiday.

Senator MONTOYA said some things which are not usually included in Fourth of July oratory. He talked about not only our rights, but our responsibilities as citizens. He assessed the changes which have been made in this century in the way we celebrate our independence and in the way we carry out our job of governing ourselves. He suggested some ways in which we could find our way back to the old fashioned faith and self-confidence of earlier times.

He has clearly expressed the need for a rededication to the spirit of the American Revolution and the Declaration of Independence. He has outlined the reasons why we must put our trust in ourselves and not in any official if we are to retain our status as free men and women.

I hope that every Member will take the time to consider the idea which Senator MONTOYA expressed to the people of Albuquerque. I 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:

FOR GOD AND COUNTRY

(Remarks of Senator JOSEPH M. MONTOYA)

We meet this morning in a celebration of the independence of our nation and to reaffirm our faith in our God and our Country. That is an old-fashioned idea, and an old fashioned expression of the meaning of the Fourth of July.

There was a time when it was much easier to talk about the subject of government—just as there was a time when it was easier to talk about God.

Words had a steady meaning in those earlier, simpler times. When men said "For God and Country!" No one misunderstood their meaning. When a politician said "In God We Trust" people knew exactly what he meant by trust and exactly who he meant by God.

Today we are not so sure of our words or of their meanings—and not so sure about our virtues as public men and women.

What is it that has caused such insecurity and such confusion? Why are we now so lacking in trust—trust either in God *or* in ourselves?

To know the answer to that question, it seems to me, we must go back into the past to try to understand the causes which impelled earlier Americans to do and say the things which we celebrate at this time of year—the revolutionary things which we talk about so loudly on the Fourth of July, and which we seem to think about hardly at all during the rest of the year.

This year we have celebrated the Fourth with less assured rhetoric than usual, and with more worry. Many of us have listened to the bands and the speeches and watched the pyrotechnic display in the sky with certain uneasy feelings. Something, somehow, seems to be not as bright and challenging as we remember this celebration to be. What is it that has changed?

This holiday has always been celebrated joyously in America. In my lifetime Independence Day Holidays have always been noisy, exciting occasions.

That was true even in the very first days of the Republic. Yet I think there was one significant difference in those first years following the revolution.

In those days when people gathered together on the Fourth of July to celebrate, in the little towns and villages of the first states, the important thing about the celebration was not a firecracker or a band or a parade or even a speech.

The important thing then was the Declaration of Independence itself. Someone always read it aloud. That was the whole purpose of the celebration.

Those early Americans felt close to that document, and loved to hear it read aloud. Every word had a meaning and a significance, and every sentence had the power to move and excite them. Children were made to stand quiet and listen. The older men and women who remembered their days as colonists probably nodded their heads in agreement as the list of grievances against the King were read. Some probably still knotted their fists in anger and emotion.

When the "self-evident truths" of equality and unalienable rights were mentioned I am sure that people stood a little taller, and felt a swelling pride. These were basic rights for which they fought.

When the pledge of "our lives, our fortunes, and our sacred honor" was read, some of those early Americans probably shivered a little—for they could still remember clearly the meaning of that pledge, and they knew that each man who added his signature to that of John Hancock at the bottom of that terrifying document had signed his own death warrant as a traitor to the monarchy.

Earlier, less sophisticated Americans understood the importance of the document, and the act of signing it. They understood, too, the "firm reliance on the protection of Divine Providence," which the signers put into the Declaration.

Seven years later Benjamin Rush said something which should have meaning for us today. "The American War is over," he said, "but no* the American Revolution. We have only finished the First Act of that great drama . . ."

Today, in 1974, there are some who think that now, at last, we are ringing down the curtain on the Last Act of that great drama.

I am not one of those who believe that to be true, but I can recognize and understand the fear which I hear expressed more and more these days. It is a fear that things have changed too much, too rapidly, and that the kind of government which those early Americans designed in order to secure their rights is no longer practical.

That is what is meant when we hear that the system isn't working.

That is what is meant when we hear people say "They all do it" when they discuss illegal or unethical action by men in government.

Yet in a democracy the people are the system—and the government. In the case of a people who govern themselves, as we do, it is not possible to say they all do it—we must, if we are going to admit that kind of fault, say we all do it.

I don't accept that thesis, and I am sure that you do not either.

We also hear it suggested that in the atomic age, or in the computer age, or in the age of electronics, it will be necessary for us to comprise our freedoms and make parts of our Constitution inoperative in order to stay alive, or to stay wealthy, or to stay powerful.

We hear constantly that the people are not capable of understanding the complex problems of the modern world—and we are even beginning to hear that the representatives of the people in Congress are not capable of understanding those problems.

We hear that inflation or pollution or overpopulation are such terrible problems that we must be willing to put our lives and our future into the hands of a few elite experts who will take care of things for us.

We hear that it is somehow "un-American" to put limits of any kind on the Executive branch of government, because the President must be able to respond instantly to today's threats, without consulting either the Congress or the people.

All of those statements would have amazed the early Americans who fought their revolution for the express purpose of opposing that kind of thought. They believed that with the independence of the American states and the American people a new era in politics had commenced.

"Our future happiness or misery as a people depend entirely on ourselves." Jonathan Elmer said that in 1776—and for most of the two hundred years of our history Americans have accepted without question the truth and the responsibility inherent in those words.

We fought political battles and argued over every piece of legislation, every new plan, every new idea—but we never doubted that in the end our happiness or misery as a people depended on ourselves.

We fought wars, even a great civil war, because we believed so strongly in our own responsibility to decide the vital questions of government ourselves.

Good men in every corner of the political spectrum spoke out in anger and heat on the major issues of the day. Dissent has always been the keynote of our democracy, and it evolved directly out of our belief that every citizen had the right and the responsibility to be a part of the system.

We seldom remember today that the nineteenth century was full of angry debate about government, and that the decisions of Presidents or Congresses were seldom made with quiet acquiescence by the people. The slogans and political cries of that century tell us better than any history book that it was not always a calm and peaceful existence for the servants of the people. Quarrels over free soil, tariffs, the abolition of slavery, the boundary lines of new states, the gold and silver standards, the railroads, foreign adventures, the emerging labor union, and the barons of business, over trust busting and free trade—all of those questions were part of the turmoil of those times. "Throw the rascals out!" was the theme more often than not in election after election.

Yet through it all the vigorous debate never seemed to shake the basic foundations and faith of the people of this nation—a belief in themselves and a belief in the decisions they made—and a belief in the guidance of God.

John Adams said that the American Revolution was in the minds and the hearts of the people. That revolution seemed to take root and grow so that no matter how serious the political debate or how loud the dissent, the people felt themselves in control and were not afraid.

Threaded through all the history of that time is the parallel faith which these men and women put in God. "God who gave us liberty"—Jefferson said it first, but the people believed it in their bones throughout most of the first century of self government and freedom.

Today that sentiment would probably seem old-fashioned and quaint.

What is it that has changed our feelings about ourselves and our God?

We are, today, in the midst of a great Constitutional confrontation between branches of government. We face that confrontation with the knowledge that nearly half of the eligible voters of this nation did not even bother to go to the polls in the last election. The righteous anger and involvement of the American citizen which kept the government hopping in the last century seems to have dissolved into a dragging apathy at best—and a frightened abstinance from responsibility at worst.

We seldom hear anymore that our happiness and our misery depends on ourselves, or that our liberty and the freedom of our minds derives from Almighty God.

I think it is clear that today we are beginning to feel the erosion of our own power and our own happiness, and we are searching for a way to return to the days of our self-confidence and youth. Is that possible?

I believe that it is, but it will require a much deeper assessment of the problems than we are hearing in the current debate.

Let me give just two examples of what I see as steps we must make to renew our commitment to self-government. There are many others, but I think I can demonstrate with these two the kind of problem we are facing.

For fifty years we have very slowly watched the balance of power in our branches of government shift. The three branches—Executive, Legislative, Judicial—were never intended to compete. They were intended to cooperate. They were meant to balance one another, not to bolt off in opposition to one another.

Yet we have watched the power of the Executive grow, while the power of the representatives of the people in Congress diminished. We have watched the responsibility of the people fade, too, with that change.

In the last few tragic years we have seen what was probably an inevitable result of that erosion of balance. No single Party or President can be held responsible. Ultimately we are all responsible, if we really believe in self-government.

In any time of swift change it is tempting to relinquish freedoms in exchange for safety. We began to give up the right to information about our own government during wartime—for the sake of safety for our troops. Soon the "secrecy" mania grew and grew, until today it is estimated that there are 55,000 men and women in government who have the power to stamp "Secret" or "Confidential" on a piece of paper and thereby hide the knowledge of what is on that paper from the people.

The Defense Department alone has classified documents which, if stacked in single sheets, would make eighteen piles each as high as the Washington Monument—555 feet! No single mind can comprehend the information on those papers, and there is no way that people who govern themselves can do so while so much information is hidden from them.

So one of the first things we must do is find a way to limit classification of documents in a sensible way so that real national security material is protected, but other information about government is open to the people.

In a century which has had two world wars and countless small police actions and minor conflagrations, we Americans have placed more and more power in fewer and fewer hands. We have only to recall that as recently as 1917 an American President came to the Congress to discuss a foreign policy decision saying "I owed it to you, as the counsel associated with me in the final determination of our international obligations, to disclose to you without reserve the thought and purpose that have been taking form in my mind."

That kind of consultation does not take place today.

That was President Wilson—and a few months later he called the Congress into special session to say "There are serious choices of policy to be made, and made immediately, which it was neither right nor constitutionally permissible that I should assume the responsibility of making."

If we think seriously about those words and their deeper meaning, we are all brought up short and forced to realize the great differences between President Wilson's time of shared responsibility and today's unilateral action by the White House.

Today foreign policy is made in secret and presented to a Congress which is often not even allowed to have the basic background information upon which decisions have been made.

So, I believe, the second thing which must happen is to find a way to return a feeling of shared power and balanced responsibility, with the people and their representatives making decisions.

Those are only two steps which we must take and which illustrate the gulf which has widened between the people and government. Before we can return to trust in ourselves as a nation, or trust in our system, we must find a way to renew the revolution in the hearts and the minds of the people—so that a renewal of trust in ourselves as a free people and in our Creator as a protector of our liberty can bring us back to involvement in our own government and our own lives.

We must find a way to inspire the people of this nation to a rededication of the system of rational debate and dissent which filled our first hundred and fifty years.

We must find the emotion and the passion which filled the lives of those first Americans with pride and honor.

We can only do that if we put our trust not in any official, not in any President—but in ourselves and in our God. That is the real meaning of the American revolution and the Declaration of Independence.

It is not enough that the rights of man should be written in the books of philosophers and in the hearts of good people. It is not even enough that they should be written into our Constitution or declared in speeches on the Fourth of July.

Instead it is necessary that the people who claim those rights also claim the responsibility for preserving them, with God's help.

That is what I hope will be the challenge of this celebration.

I WISH TO SAVE LIVES

Mr. CURTIS. Mr. President, I have introduced in the Congress a resolution proposing a constitutional amendment to mandate a balanced Federal budget. Mounting Federal deficits and a burgeoning Federal debt threaten the economic life of this Nation. They portend economic instability of a dimension we have never known, they make continuing inflation an economic fact of life, and because they assure that we will not be able to curb inflation, they establish as Government policy a permanent, cruel, hidden, and inequitable tax that strikes hardest at those in our society who can least afford it.

Jeffery St. John, in a recent commentary for the new TVN newsservice, which incidentally is meeting a critical need in the media field and has gained rather wide attention in the short time it has been in existence, galvanized the attention of those who heard him with this quote from the late President Calvin Coolidge:

I favor economy in government, not because I wish to save money, but because I wish to save lives.

I believe Mr. St. John's brief but pithy commentary on the current budget proposal for fiscal year 1975 deserves the attention of every Member of the Congress and I ask unanimous consent to print it in the RECORD at the conclusion of my remarks.

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

COMMENTARY

Sunday, June 30.

The end of the Federal Fiscal year today prompts us to quote the late Calvin Coolidge. "I favor economy in government," he said, "not because I wish to save money, but because I wish to save lives."

Coolidge was the last President to reduce taxes and the government debt. He was also the last President to operate on the profound principle that money spent by Government can affect the lives, hopes, dreams, and aspirations of a Nation's people. The new Fiscal Year beginning tomorrow will affect the lives of every single American. The 1975 Federal Budget is estimated at $305 Billion. The current rate of inflation will be profoundly affected by that huge amount of spending. Congress and the White House will find a thousand sugar-coated cliches to justify this huge sum. What they cannot sugar coat is the added inflation created by the 1975 Budget. Inflation will not only affect the lives of every single American, but it will kill or curtail the most cherished hopes and dreams they might have. This is the hidden cruelty of government fiscal policy. Today there is much talk about "improving the quality of life." Our political leaders could improve the quality of life by taking to heart Calvin Coolidge. "I favor economy in government, not because I wish to save money, but because I wish to save lives.

I'm Jeffrey St. John in Washington."

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, genocide is, tragically, as old as history. The imperial government of Rome ordered and executed mass exterminations of Christians. These massacres, however, did not approach the horrifying dimension of Hitler's acts of genocide against the Jews. This recent butchery outraged and revolted decent men and women throughout the world and so shocked the conscience of civilized men everywhere that the United Nations General Assembly adopted a resolution condemning genocide as a crime under international law at its first session in December 1946.

This U.N. resolution declared that genocide, the "denial of the right of existence of entire human groups," "shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations."

President Truman, in a letter transmitting this convention to the Senate of the United States June 16, 1949, emphasized:

> That America has long been a symbol of freedom and democratic progress to peoples less favored than we have been and that we must maintain their belief in us by our policies and our acts.

For 25 years this convention has languished in the Senate without ratification. We must not continue to delay acting on this most important document. I urge the Senate to ratify the convention promptly.

USE OF SMALL-MESH MONOFILAMENT NETS BY JAPANESE FISHING VESSELS

Mr. STEVENS. Mr. President, a recent incident involving an American fishing vessel in the North Pacific fishery demonstrates the vital need for the United States to enact legislation extending our fisheries jurisdiction to 200 miles offshore.

On May 13, the M/V *Labrador*, en route from Alaska to Seattle, was forced to stop when its propeller became entangled in a drifting salmon net. By maneuvering the vessel, the captain was able to free the propeller sufficiently to continue to Seattle, where the ship was drydocked and nearly 40 feet of net removed from its propeller.

The net was examined by the National Marine Fisheries Service, which identified it as of Japanese origin and made of monofilament nylon. It was also determined that the 4¼-inch mesh net was used by Japanese vessels to catch immature red salmon—in the 3½- to 5-pound range—on the high seas.

To the layman, use of this type net may sound insignificant. However, to those familiar with the North Pacific fishing industry, it is an item of utmost concern.

The basic design and nature of these nets signify a method of fishing which is in total disregard of the most fundamental principles of resource conservation and management. The small mesh size means they scoop up anything in their path—mature and immature fish alike. This is especially dangerous in the salmon fishery, which is already in serious trouble from overfishing.

Being made of a monofilament nylon material, these nets tend to keep on fishing indefinitely when lost or deliberately cut loose—as has happened on several occasions when Japanese vessels were approached by the Coast Guard on suspicion of fishing violations. And finally, use of these nets in high seas fishing is extremely wasteful, since approximately half the salmon entangled in them are killed and whipped out of the net by ocean waves.

Our own laws prohibit use of small-mesh monofilament nets by United States and Canadian fishermen, and for the most part our fishermen do not object to these restrictions, since they are necessary to conserve fish stocks. However, our fishermen—along with State and national officials and concerned Members of this body—do object strenuously to the fact that massive foreign fleets are destroying our fisheries through unregulated use of these nets on the high seas.

Mr. President, the May 13 incident was hardly the first confirmed report of foreign fleets using monofilament nets in the high seas fishery off our North Pacific and Bering Sea coasts. Such nets have been found or confiscated many times in the past few years—in fact, I have a box of net material just like that I have described in my office right now.

Multiply the net material found May 13 by the number of Japanese vessels operating off Alaska alone—302 were reported in the May 31 National Marine Fisheries Service Alaska fisheries patrol summary—and you have a serious problem.

For the United States to allow this kind of assault on our fishery resource to continue would be sheer folly. We must act now to preserve our fish stocks and a viable fishing industry.

Foreign depletion of our fisheries is not solely an Alaskan problem. From Maine's Atlantic coast to Alaska's Bering Sea, the problem is the same: massive foreign fleets with highly sophisticated equipment, and apparently no regard for conservation of the species, are rapidly destroying our once great fisheries.

One way to solve this problem—in fact the only way I see at this point—is to enact S. 1988 and extend our fisheries jurisdiction boundary to 200 miles offshore.

This legislation would enable the United States to regulate the number, equipment, and manner of fishing of foreign vessels in our coastal fisheries. And hopefully this regulatory power will not come too late to save our vital fisheries resource.

PEOPLE OWED LOYALTY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to the editor of the Charleston Gazette, written by a prominent attorney of that city, Mr. Horace S. Meldahl.

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

PEOPLE OWED LOYALTY

Editor the Gazette:

Someone might suggest to Vice President Ford that he owes more loyalty to the American people and the U.S. Senate that confirmed him than to President Nixon.

Under the heading "Spending 'Mistakes' on Nixon Homes," the 1974 World Almanac . . . page 102, says: "In testimony before the House Government Activities Subcommittee, General Service Administration head Arthur P. Sampson conceded Oct. 11 the GSA had made mistakes in spending federal money on President Nixon's private homes at San Clemente . . . and Key Biscayne . . . However, Sampson told the committee investigating $10.2 million in government expenditures, in connection with Nixon's private residence, that the work paid for at public expense had been insignificant. House Government Activities Committee Chairman Jack Brooks, D-Tex., stated Oct. 14 that the investigation had raised "serious questions of propriety" and the record indicated money ostensibly spent to provide security at the President's residence had acted to add to opulence of the homes without serving any discernible security functions.

I wonder if President Nixon discovered any evidence of such spending on his several trips home and why the White House and Camp David weren't good enough?

HORACE S. MELDAHL.

AMERICA GETS TOUGH IN FISHING WAR

Mr. STEVENS. Mr. President, the June 10 issue of U.S. News & World Report contains an article which outlines the action taken this year by the United States to penalize foreign fishing vessels for illegal encroachment in American waters. The encroachment is especially severe in Alaska, because of its massive coastal area and the attractiveness of its fishing waters. As a result of the extensive fishing operations conducted by Japanese, Russian, and South Korean vessels, Alaskan waters are being depleted of fishstocks which have in the past been considered some of the richest in the world. The severe winter of 1973–74 in Alaska, combined with the activity of sophisticated foreign fishing fleets, has created a disastrous condition for Alaskan fishermen and have posed a serious threat to the continuation of a productive Alaskan fishing industry.

President Nixon has declared the Bristol Bay area of Alaska a national disaster, providing for Federal assistance for Alaskans in and around the Bristol Bay area who work as fishermen, cannery workers, and other employment associated with the fishing industry. The total value to fishermen of the Bristol Bay catch between 1960 and 1971 averaged in excess of $12 million per year. The total value in 1973 was about $3.2 million and the projection for 1974 is expected to be virtually zero. The State, as well as the local economy, has suffered and will continue to do so unless the United States takes positive steps to curtail foreign encroachment and protect its coastlines.

The United States has recently levied substantial fines against foreign violators, but I am convinced that more must be done to provide a deterrent to further violations. Measures such as the extension of the American coastal zone to 200 miles, additional fisheries patrols, and economic sanctions against foreign governments, including trade restrictions, should be fully explored and imposed or else the American fishing industry will suffer increased irreparable damage.

Mr. President, I ask unanimous consent that the article entitled "America Gets Tough in Fishing War" be printed in the RECORD.

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

AMERICA GETS TOUGH IN FISHING WAR

Record fines now being slapped on foreign vessels caught poaching in American coastal waters are the latest signs of a "fishing war" that is growing in intensity.

So far this year, penalties imposed by the U.S. on ships of four other nations total a whopping $750,000, a sum equal to all such fines levied in two full years—1972 and 1973.

Behind the growing concern—

American fishermen are being hard hit by an invasion of foreign crews into traditional U.S. fishing grounds. The catch of haddock by the New England fishing industry, for example, averaged more than 35 million pounds annually in the 1968–72 period but dropped to just 8 million pounds in 1973.

Areas where cod, herring, shrimp and other sea food were once abundant off New England are being "fished out."

To dramatize their plight, New England fishermen were planning to send a flotilla up the Potomac River to the nation's capital on June 10.

Competition from abroad: Much of the damage to the U.S. fishing industry by fleets from Russia, Japan, Germany, Poland and other maritime nations does not result from violations of U.S. or international laws. The coastal fishing grounds have long been dominated by Americans, but they lie outside U.S. jurisdiction—set by Congress as extending 12 miles offshore.

The real problem is that foreign fleets, particularly the ones from Russia, are big and fast, highly modern, equipped with sophisticated techniques and aided by Government subsidies.

A U.S. Coast Guard pilot, after flying over a 44-vessel Soviet fishing fleet—the largest ever spotted near the U.S. coast—gave this description of the scene:

"The difference between the way we fish and the way they fish is like the difference between a 'mom and pop' delicatessen and a supermarket. Their smallest fishing boats are double the size of our largest."

Americans can do something about this competition only when the foreign ships—by accident or design—stray within the 12-mile offshore zone over which U.S. claims exclusive fishing rights.

The problem the American fishing industry faces extends also to the Pacific Coast, where Soviet boats have been taking increased catches of hake.

The foreign vessels seized so far this year in waters where the U.S. claims exclusive rights:

Bulgaria's *Limoza*, off New Jersey. The fine: $125,000.

Russia's *Armaturshchik*, off Alaska. The fine: $100,000.

Rumania's *Inau*, off North Carolina. The fine: $100,000.

Japan's *Ebisu Maru*, off Alaska. The fine: $300,000, the highest such penalty ever imposed by a U.S. court.

By contrast, all such penalties slapped on foreign ships for illegal fishing totaled $430,000 in 1972 and $320,000 in 1973.

WHAT TO DO?

Some nations claim exclusive fishing rights in a zone extending 200 miles out to sea. This has resulted in annual "tuna wars" in which American vessels are regularly haled in—mainly by Ecuador and Peru—and fined heavily for fishing inside the 200-mile zone.

Now some New England and Western States Congressmen are sponsoring legislation to extend the U.S. zone to 200 miles, pending an international agreement to standardize fishing rights.

Among sponsors of such measures are Representative Gerry E. Studds (Dem.), of Massachusetts, and Senator Warren G. Magnuson (Dem.), of Washington. Senate and House committees are holding hearings on the subject.

However, the Defense Department and other Government agencies oppose an extension. They fear that retaliation by other nations would threaten freedom of navigation and overflights, including use of narrow international waterways such as the Straits of Malacca. Also at stake: the mineral resources—such as oil and gas—of sea beds in coastal zones.

There also is criticism in Congress that the Administration isn't cracking down hard enough on nations which seize American vessels for fishing in what the U.S. considers international waters.

Under the law, fines imposed on such vessels are reimbursed from U.S. Government funds. Congress has directed that the amount of fines be deducted from any foreign aid given the country imposing penalties. Congressional critics say this is not being done.

OFFICIAL U.S. APPROACH

What the U.S. is seeking is an agreement on fishing and the use of other ocean resources. It will present its views at an international conference on "law of the sea," sponsored by the United Nations, opening June 20 in Caracas, Venezuela. Basically, the U.S. will seek to sidestep the issue of geographic extent of sovereignt, rights and will concentrate on a "species approach." This would operate on these lines:

Species such as haddock, cod and most other table fish would be placed substantially under the jurisdiction of coastal states bordering the feeding waters. Also included would be such species as salmon—which spawn in rivers and then swim out to sea—extending up to the range of their normal migration.

The coastal nations would be entitled to primary rights to these species. More distant nations, under the U.S. plan, would have secondary rights. Highly migratory species—such as tuna—would be subject to international control.

In the view of many experts, the "law of the sea" now more clearly resembles the "law of the jungle." The Caracas meeting, they say, could be the last chance to conserve the oceans' resources.

ADMINISTRATION UNWILLING TO CHALLANGE BUDGET SACRED COWS

Mr. PROXMIRE. Mr. President, Budget Director Roy Ash has made a feeble effort to cut the fiscal year 1975 budget. The reason in my view that Director Ash is unwilling to make an all-out fight on inflation and cut the budget in the only place where big cuts can be made, is that the Nixon administration treats the military, and military foreign aid, budget as a sacred cow. Defense spending, which is pegged at more than $90 billion in outlays for military and military foreign aid, is the only budget area where there are billions in relatively controllable budget funds.

As vice chairman of the Subcommittee on Priorities and Economy in Government of the congressional Joint Economic Committee, we have looked closely at the military budget procurement policy, and the enormous waste in military foreign aid. That is why I authored the successful Senate amendment to trim $10 billion from the fiscal year 1975 budget.

ADMINISTRATION COUNTERS WITH $5 BILLION OFFER

When my amendment to cut the fiscal year 1975 budget from $305 billion to $295 billion was passed by an overwhelming 74 to 12 vote in the Senate, Nixon administration economic czar Kenneth Rush claimed the administration would make a $5 billion voluntary cut. But this feeble attempt to pull the teeth of my amendment was immediately undercut by Budget Director Ash. On Wednesday, June 26, he told reporters that he could not guarantee even the $5 billion in savings, that only very small reductions were possible, and that in any event they would make only a trifling dent in inflation.

According to Director Ash's own fiscal year 1975 budget, only $84.4 billion of the proposed $305 billion spending is controllable. Of that, $58.5 billion is for the military.

The military budget and the military foreign aid budget are not only the places where budget cuts can be made but also the place where they should be made. They are the most inflationary of all spending because they produce no goods or services which satisfy shortages or human needs.

HUGE BACKLOG OF FUNDS

Another reason the military and military foreign aid budgets can be cut and cut hard is the huge backlog of funds which the administration has squirreled away in these areas. At the end of fiscal year 1974 there was a $44 billion backlog of military funds which is scheduled to rise to $50 billion by the end of fiscal year 1975. The backlog of military foreign aid funds was $11.4 billion on June 30, 1974, and will rise to almost $12 billion by the end of the fiscal year.

These are the areas where cuts can be made. But they are the untouchable areas of the administration and its Budget Director Roy Ash.

The failure to cut the budget means that rampaging inflation will continue and that the heavy burdens already placed on the old, the poor, working men

and women, and those on fixed incomes, will increase.

FEDERAL PREEMPTION OF STATE STANDARDS IN REGARD TO HEALTH, WELFARE, AND ENVIRONMENTAL PROTECTION

Mr. CASE. Mr. President, the attorney general of New Jersey, William F. Hyland, recently wrote to me about a problem that has long been of concern to me and I am sure is of concern to my colleagues in the Senate.

Because I believe his letter states very clearly the concern I have had over the years about Federal preemption of a State's right to establish standards to protect the health and welfare of its residents when those standards exceed the minimum Federal standards, I would like to make his letter, and my reply to it, available to all Members of the Senate.

I, therefore, ask unanimous consent that his letter and my reply to it be printed in the RECORD.

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

WASHINGTON, D.C.,
July 2, 1974.

Hon. WILLIAM F. HYLAND,
Attorney General,
Trenton, N.J.

DEAR BILL: Thank you for your letter in regard to federal preemption of state standards in regard to health, welfare and environmental protection.

As you probably know, the views you expressed are consistent with the position I have taken consistently in regard to this matter over the years.

In my view, the Federal government should establish minimum standards that apply throughout the country so that no individual state will be adversely effected by lax standards of a neighboring state. At the same time, I believe that any state must be allowed to establish standards that exceed the federal standards in order to deal with special conditions unique to that state.

Certainly, our state of New Jersey, which is the most densely populated and the most urbanized state in the union, must be permitted to establish standards that exceed the minimum Federal standards in order to protect the health and welfare of New Jersey residents.

It is helpful to me to have your views in this matter and you may be sure that I will continue to work for legislation in keeping with this objective.

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

STATE OF NEW JERSEY,
June 17, 1974.

Hon. CLIFFORD P. CASE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: The right of our citizens to breathe clean air, swim in clear waters and enjoy our natural resources has come to be recognized as an essential element in the health and welfare of New Jersey residents. That right has been effectuated in the past by a joint State and Federal program to protect our environment. The inherent philosophy of that program was that the several states would be free to implement more stringent environmental standards than those imposed federally, based upon the particular needs of each state.

However, legislation recently enacted by Congress threatens that scheme and, in fact, traditional notions of home rule. For example, inroads upon noise control by states already have been made by Congress. (23 U.S.C. Sec. 109[i]; 23 C.F.R. Sec. 772; 42 U.S.C. Sec. 4917[c]; 42 U.S.C. [e][1]) Sec. 4905. In addition and most important are two bills now pending before Congress and another not yet introduced. The "Standby Energy Emergency Authority and Contingency Planning Act," S. 3267, limits the right of states to impose and enforce air quality standards stricter than those federally established. The proposed "Clean Air Amendments of 1974" contains preemption clauses which prohibit the states from regulating air pollutant emissions when the federal government authorizes waiver of specific emission levels, Section 5. Also, sections 8 and 9 thereof allow for suspension of emission limits when the EPA finds that clean fuel is unavailable. The EPA Administrator has full discretion thereunder and under other sections of the Act to ignore state standards and, consequently, to permit industry to ignore the same. The third bill would override local and state licensing powers as to the location of energy producing facilities.

It is imperative that these proposed encroachments upon New Jersey's right to determine the quality of its citizens' lives be opposed vigorously. The State of Maine and presumably others have joined in opposing this proposed legislation, legislation which, because of New Jersey's unique role as a heavily traveled and industrialized corridor state, could well relegate us to pesthole status if enacted into law.

We know of few instances, if any, wherein New Jersey's standards arbitrarily, unreasonably, or over-severely limited those who would use our State and its facilities. Yet, these proposed legislative enactments, anticipating nonexistent problems at the expense of both our health and right of self-determination, would prevent the legitimate regulation by New Jersey of conditions in our State. This federal over-reaching must be prevented, so that a better life for all of us through intelligent lawmaking may be achieved.

We strongly urge that you oppose the passage of the laws in question.

Sincerely yours,

WILLIAM F. HYLAND,
Attorney General.

HAMMERING HANK AARON

Mr. ROBERT C. BYRD. Mr. President, millions of Americans were thrilled when Hank Aaron of the Atlanta Braves baseball team equaled the home run record that had for many years belonged to the great Babe Ruth. It was inevitable that one day an outstanding athlete would break the record.

This occasion inspired one of my constituents, Russell H. Skaggs, Ansted, W. Va., to compose a poem honoring this event. The poem was printed in the Fayette Tribune of Oak Hill, W. Va. The poem not only is a salute to the ability of Mr. Aaron, but it also recalls the fine qualities of Babe Ruth.

Because of the tremendous interest shown in this historic event, I ask unanimous consent to have the poem printed in the RECORD.

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

[From the Fayette (W. Va.) Tribune, June 27, 1974]

BABE PAYS HIS RESPECTS

It was a cool, and brisky eve at River Front that day,
When Hammering Hank came to bat in the first inning of play.

There was poise in his manner, and a grin upon his face,
When thousands of fans screamed in glee as Hank stepped up to the plate.

Billingham took the signal from Bench, and let the horsehide loose with a blinding swirl,
Hank connected with the ball as it flew out in space to shock the entire sporting world.
And when the dust had settled, and the yells had faded away,
Out came Hammering Hank crossing home plate, receiving congratulations of the day.

There was a deathly silence that shocked the entire place
When a voice from Heaven was heard talking to Hank after he crossed the plate.
Was no doubt that of Ruth, the Sultan of Swat,
He was paying his greatest honors to the homerun Hank had just got.

He had just tied the Great Bambino with 714,
The great and lovable guy was the first to show his esteem.
It didn't matter to Babe, who shattered the park with that great blast,
He knew that someday, in some park, some big nice guy would do it at last.

The shy and honorable Hank was pleased with the homer he got,
He knew he hadn't removed any fame from the Sultan of Swat.
Graciously, he accepted the cheers of the crowd and their acclaim,
But what pleased him most, was Ruth's appearance at the game.

You may search the hollows deep, and the valleys wide,
But it will be hard to find two players with more pride.
Their style was somewhat different, batting from opposites of the plate,
But the fears they put in pitcher's hearts, was nothing short of great.

They had their problems in their childhood, but was touched by the Master's hand,
He bestowed great talents upon them, found no place in this land.
They both matured likeable and great, as youth gave way to fame
Both came thru in the clutches, and broke up many a game.

Babe has gone to meet his Master's fate,
But the lovable, compassionate, Ruth won't be called out at the Plate.
Nowhere in this great land of ours can a comparison be made,
To the wonderful kindness he showed with the players he played.

Hammering Hank is facing the best day after day,
He's still pounding out homers and setting records most every play
As the curtains are drawing nearer, and the evening sun is sinking low,
He will get his one great wish, "remember Henry and his mighty homerun blow."

But somewhere out there in this great American land of ours,
There is a youth playing sandlot ball, his bat is just starting to show power.
When maturity reaches this youth, and his poise and cool begin to show,
He will tear the records apart with one mighty swing and blow.

For records are made to be broken, and this unknown will do his share,
And I hope after the dust and noise has settled, I hope Hank will be there,
And after he has settled back to earth and calm reclaims his heart,
I hope you will be the first to shake his hand for tearing the ball apart.

—*Russell H. "Sheriff" Skaggs.*

TENTH ANNIVERSARY OF MALAWI

Mr. HARTKE. Mr. President, on July 6, 1964, the territory known as Nyasaland achieved independence from Great Britain, taking the name Malawi. On this 10th anniversary of Malawai's independence, I should like to extend congratulations on the completion of a decade of progress and development under the leadership of President H. Kamuzu Banda.

Situated in Southeast Africa, Malawi with a population of almost 5 million people is predominantly an agricultural country. The excellent climate, soil, and good water resources combined with the industriousness of the typical Malawian has enabled the country to expand consistently its production of such crops as tobacco, tea, sugar, cotton, and groundnuts. Under the dynamic leadership of President Banda, the Government of Malawi has successfully concentrated its development efforts in the agricultural sector in order to achieve higher levels of income for the average citizen.

In its foreign relations, Malawi has consistently advocated a policy of friendly relations with its neighbors and with all those countries which wish to maintain relations with Malawi. Relations between the United States and Malawi have been very cordial and, I am sure, will remain so in the future.

I should like to extend my best wishes to President Banda, to his Government, and to the people of Malawi for continued success.

LEGAL SERVICES CORPORATION CONFERENCE REPORT SHOULD NOT BE APPROVED BY SENATE

Mr. HELMS. Mr. President, it now appears likely that the conference report on the Legal Services Corporation bill (H.R. 7824) will come up on the Senate floor this week, perhaps on Wednesday.

Although many people are tired of the subject, the basic issues are important ones, and I urge my colleagues to vote against approval of the conference report.

The fundamental question remains that of the accountability of the program to the people and to the democratic process. I favor a legal services program that is accountable to the elected officials of this Nation, and that is client-oriented, allowing poor clients to set their own priorities through personal choice of private members of the bar to represent them. The conference report would set up an independent corporation that is staff-oriented, where priorities are set by a small elite of social reformers not accountable to anybody but themselves.

Although the bill as passed by the House contained a number of restraints, most of these were eliminated or rendered inconsequential by loopholes allowing what they purport to prohibit and allowing legal representation of advocacy groups such as the National Welfare Rights Organization, the United Farm Workers Organizing Committee, the American Indian Movement, the National Tenants Organization, and so forth. The bill would authorize appropriations of $90 to $100 million for each of three years to set up an instrument for the political manipulation of our social structure. One hundred million dollars is more than the total spent by both presidential candidates in 1972.

Mr. President, I ask unanimous consent that a side-by-side comparison of 25 key points where the conference report deviates from H.R. 7824 as it passed the House, and renders it less accountable to the democratic process be printed in the Record at the conclusion of my remarks.

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

COMPARISON OF 25 IMPORTANT DIFFERENCES IN H.R. 7824, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 21, 1973, AND AS MODIFIED BY THE SENATE-HOUSE CONFERENCE COMMITTEE REPORT OF MAY 8, 1974

1. PREAMBLE

House Bill: To establish a Legal Services Corporation and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Legal Services Corporation Act".

Conference Bill: That this Act may be cited as the "Legal Services Corporation Act of 1974".

SEC. 2. The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new title: "Title X—Legal Services Corporation Act.

Comparison

The Conference Bill places the Corporation under the Economic Opportunity Act. The House Bill would have made the legal services program free of the EOA, and free of the implication that the Committee on Labor and Public Welfare, rather than the Committee on the Judiciary, should have oversight.

2. STATEMENT OF PURPOSE

House Bill: (No Provision)

Conference Bill: "Statement of Findings and Declaration of Purpose

"Sec. 1001. The Congress finds and declares that—

"(1) there is a need to provide equal access to the system of justice in our Nation for individuals who seek redress of grievances;

"(2) there is a need to provide high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel and continue the present vital legal services program;

"(3) providing legal assistance to those who face an economic barrier to adequate legal counsel will serve best the ends of justice;

"(4) for many of our citizens, the availability of legal services has reaffirmed faith in our government of laws;

"(5) to preserve its strength, the legal services program must be kept free from the influence of or use by it of political pressures; and

"(6) lawyers providing such services must have full freedom to protect the best interests of their clients in keeping with the Code of Professional Responsibility, the Canons of Ethics, and the high standards of the legal profession.

Comparison

There is no such section in the House Bill. The language of the Conference Bill is included to convey a presumption of legislative intent "to continue the present vital legal services program," implying sanction of existing regulations, procedures, policy goals, and organizational beneficiaries. It is also intended to imply a "full freedom" from accountability to elected representatives of the people, seemingly establishing a preference for accountability to the utterances of the American Bar Association, with respect to behavior and policy issues not specifically defined in the Act.

3. 1978 LIQUIDATION OF CORPORATION

House Bill: (d) The corporation created under this Act shall be deemed to have fulfilled the purposes and objectives set forth in this Act, and shall be liquidated on June 30, 1978; unless sooner terminated by Act of Congress.

Conference Bill: (No Provision).

Comparison

The Conference Bill eliminates this provision of the House Bill and would make the Corporation a permanent bureaucratic institution, like the Department of Commerce, rather than an experimental entity, like OEO, more readily subject to reform.

COMPARISON OF 25 IMPORTANT DIFFERENCES IN H.R. 7824, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 21, 1973, AND AS MODIFIED BY THE SENATE-HOUSE CONFERENCE COMMITTEE REPORT OF MAY 8, 1974—Continued

4. TERM OF OFFICE		
House Bill: For purposes of this subsection, the term of office of the initial members of the board shall be computed from the date of enactment of this Act.	Conference Bill: The term of initial members shall be computed from the date of the first meeting of the Board.	*Comparison* Under the House Bill, five of eleven board members would likely come up for reappointment in 1976. Under the conference bill, it is likely that terms would expire near the beginning of the next Presidential term, in 1977.
5. APPOINTMENT OF BOARD CHAIRMAN		
House Bill: (d) The President shall select from among the voting members of the board a chairman, who shall serve for a term of one year.	Conference Bill: "(d) The President shall select from among the voting members of the Board a chairman, who shall serve for a term of three years. Thereafter, the Board shall annually elect a chairman from among its voting members.	*Comparison* Under the House Bill, accountability would be increased by permanently reposing in the President of the United States power to designate the Chairman of the Corporation's Board of Directors. The Conference Bill would, after the first appointment, let the Corporation board choose its own Chairman.
6. CHOICE OF STATE ADVISORY COUNCIL		
House Bill: (f) Within six months following the appointment of all members of the board, the board shall request the Governor of each State to appoint a nine-member advisory council for his State. A majority of the members of the advisory council shall be chosen from among the lawyers admitted to practice in the State and the members of the council shall be subject to annual reappointment.	Conference Bill: "(f) Within six months after the first meeting of the Board, the Board shall request the Governor of each State to appoint a nine-member advisory council for such State. A majority of the members of the advisory council shall be appointed, after recommendations have been received from the State Bar Association, from among the lawyers admitted to practice in the State, and the membership of the council shall be subject to annual reappointment.	*Comparison* The House Bill gives the Governor a free hand. The Conference Bill requires that the Governor await recommendations from the State Bar Association before acting, insofar as the lawyer members of the advisory council are concerned.
7. PROTECTION OF INCUMBENT VALUES		
House Bill: (No Provision).	Conference Bill: "(2) No political test or political qualification shall be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, agent, or employee of the Corporation or of any recipient, or in selecting or monitoring any grantee, contractor, or person or entity receiving financial assistance under this title.	*Comparison* There is no comparable language in the House Bill. The effect of this provision is to prevent the Corporation boards of directors from dealing with organizational recipients or employees on the basis of the political beliefs which they favor. This works two ways: in blocking the imposition from above of policy goals; and in preventing interference by elected officials with the political objectives being advanced by recipient programs and their self-constituted boards.
8. STATEMENT OF NON-FEDERAL ACCOUNTABILITY		
House Bill: (No Provision).	Conference Bill: "(e)(1) Except as otherwise specifically provided in this title, officers and employees of the Corporation shall not be considered officers or employees, and the Corporation shall not be considered a department, agency, or instrumentality of the Federal Government.	*Comparison* No comparable House language. The Conference Bill language is intended to assure that the accountability of the corporation to Congress and the President is limited to the areas specifically set forth in the Bill.
9. STATEMENT OF GRANT AND CONTRACT POWERS		
House Bill: (1) To make grants to, and to contract with, individuals, partnerships, firms, organizations, corporations, State and local governments, and other appropriate entities (referred to in this Act as "recipients" for the purpose of providing legal assistance to eligible clients. (2) To accept in the name of the corporation, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise; and (3) To undertake directly and not by grant or contract the following activities relating to the delivery of legal assistance— (A) research, (B) training and technical assistance, and (C) to serve as a clearinghouse for information.	Conference Bill: "(1)(A) to provide financial assistance to qualified programs furnishing legal assistance to eligible clients, and to make grants to and contracts with— "(i) individuals, partnerships, firms, corporations, and nonprofit organizations, and "(ii) State and local governments (only upon application by an appropriate State or local agency or institution and upon a special determination by the Board that the arrangements to be made by such agency or institution will provide services which will not be provided adequately through nongovernmental arrangements), (A) for the purpose of providing legal assistance to eligible clients under this title, and (B) to make such other grants and contracts as are necessary to carry out the purposes and provisions of this title; . . . . . . "(3) to provide, either directly or by grant or contract for—"(A) research (in accordance with the provisions of section 3 * of the Legal Services Corporation Act of 1974). "(B) training, and "(C) information clearinghouse activities relating to the provision of legal assistance under this title, and for the technical assistance in connection with the provision of legal assistance to eligible clients.	*Comparison* The House bill would limit grants and contracts to those made "for the purpose of providing legal assistance to eligible clients" and would prevent the funding of "training and technical assistance" backup centers, requiring also that research and clearinghouse functions be performed under the authority and restrictions of the Corporation itself, which are more substantial than those of recipients. The Conference Bill would more broadly authorize grants and contracts for "individuals, partnerships, firms, corporations, and nonprofit organizations" and allow such others "as are necessary to carry out the purposes and provisions of this title." The Conference bill is significantly different also in that, except for research functions, it would perpetuate the backup centers indefinitely and bar aid to State and local governments for legal assistance activities, except where there is a special determination that such State and local roles would be necessary to supplement (rather than replace) privately controlled staff attorney projects.

*Sec. 3. (a)(1) Subject to the provisions of paragraph (2), the authority of the Legal Services Corporation under section 1006(a)(3)(A) of the Legal Services Corporation Act (title X of the Economic Opportunity Act of 1964) to make grants or enter into contracts for research in connection with the provision of legal assistance to eligible clients shall terminate on January 1, 1976.

(b) In order to assist the Congress to carry out the provisions of subsection (a) of this section, the Corporation shall conduct a thorough study of the efficiency and economy of the use of grants or contracts for research in connection with the support of the provision of legal assistance to eligible clients as distinguished from the direct provision of such research by the Corporation. The Cor-

COMPARISON OF 25 IMPORTANT DIFFERENCES IN H.R. 7824, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 21, 1973, AND AS MODIFIED BY THE SENATE-HOUSE CONFERENCE COMMITTEE REPORT OF MAY 8, 1974—Continued

	(2) During the period June 30, 1975, through January 1, 1976, the Congress may by concurrent resolution act with respect to the duration of authority contained in such section 1006(a)(3)(A). If the Congress has failed to take any such action that authority shall automatically be extended until January 1, 1977.	
10. TERMINATION PROCEDURES		
House Bill: (b)(1) The corporation shall have authority to insure the compliance of recipients and their employees with the provisions of this Act and the rules, regulations and guidelines promulgated pursuant to this Act, and to terminate, after a hearing, financial support to a recipient which fails to comply.	Conference Bill: "(b)(1) The Corporation shall have authority to insure the compliance of recipients and their employees with the provisions of this title and the rules, regulations, and guidelines promulgated pursuant to this title, and to terminate, after a hearing in accordance with section 1011* of this title, financial support to a recipient which fails to comply.	*Comparison* The privilege of Corporation-funded programs to continue is more substantial under the Conference Bill than under the House Bill, with a greater burden on the part of the Corporation to set forth evidence of violations by recipients before the Corporation is permitted to discontinue funding. This is a very important distinction, affecting the relevance and enforceability of all the law's sanctions and prohibitions.
11. PICKET, BOYCOTT, STRIKE		
House Bill: (5) The corporation shall insure that its employees and employees of recipients, which employees receive a majority of their annual professional income from legal assistance under this Act, shall, while engaged in activities carried on by the corporation or by a recipient, refrain from participation in, and refrain from encouragement of others to participate in any picketing, boycott, or strike, and shall at all times during the period of their employment refrain from participation in, and refrain from encouragement of others to participate in: (A) rioting or civil disturbance; (B) any form of activity which is in violation of an outstanding injunction of any Federal, State, or local court; or (C) any illegal activity. The board, within ninety days of the date of enactment of this Act shall issue guidelines to provide for the enforcement of this subsection; such guidelines shall include criteria (i) for suspension of legal assistance support under this Act, (ii) for suspension or termination of compensation to an employee of the corporation, and (iii) which shall be used by recipients in any action by them for the suspension or termination of their employees, for violations of this subsection.	Conference Bill: "(5) The Corporation shall insure that (A) no employee of the Corporation or of any recipient (except as permitted by law in connection with such employee's own employment situation), while carrying out legal assistance activities under this title, engage in, or encourage others to engage in, any public demonstration or picketing, boycott, or strike; and (B) no such employee shall, at any time, engage in, or encourage others to engage in, any of the following activities: (i) any rioting or civil disturbance, (ii) any activity which is in violation of any outstanding injunction of any court of competent jurisdiction, (iii) any other illegal activity, or (iv) any intentional identification of the Corporation or any recipient with any political activity prohibited by section 1007(a)(6) of this Act. The Board, within ninety days after its first meeting, shall issue rules and regulations to provide for the enforcement of this paragraph and section 1007(a)(5) of this Act, which rules shall include among available remedies, provisions in accordance with the types of procedures prescribed in the provisions of section 1011 of this Act, for suspension of legal assistance supported under this title, suspension of an employee of the Corporation or of any employee of any recipient by such recipient, and, after other remedial measures have been exhausted and after a hearing in accordance with section 1011 of this Act, the termination of such assistance or employment, as deemed appropriate for the violation in question.	*Comparison* The Conference Bill introduces a significant loophole to the House safeguard by sanctioning aid to such activity by project employees whenever "permitted by law in connection with such employee's own employment situation." Resort to picketing, boycotts, or strikes may be legal, while remaining inappropriate for public subsidy.
12. INVOLVEMENT IN STATE BALLOTT ISSUES		
House Bill: (4) Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment for use in advocating or opposing any ballot measures, initiatives, referendums, or similar measures.	Conference Bill: "(4) Neither the Corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment for use in advocating or opposing any ballot measures, initiatives, er referendums. However, an attorney may provide legal advice and representation as an attorney to any eligible client with respect to such client's legal rights.	*Comparison* The Conference Bill language introduces a significant loophole to substantially negate the House safeguard. Since activist groups with a vital interest in the outcome of state ballot initiatives, recalls, and referenda, are eligible clients under the bill, much would be permitted with respect to "representation."

*Sec. 1011. The Corporation shall prescribe procedures to insure that—(1) financial assistance under this title shall not be suspended unless the grantee, contractor, or person or entity receiving financial assistance under this title has been given reasonable notice and opportunity to show cause why such action should not be taken; and (2) financial assistance under this title shall not be terminated, an application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee, contractor, or person or entity receiving financial assistance under this title has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

COMPARISON OF 25 IMPORTANT DIFFERENCES IN H.R. 7824, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 21, 1973, AND AS MODIFIED BY THE SENATE-HOUSE CONFERENCE COMMITTEE REPORT OF MAY 8, 1974—Continued

13. REIMBURSEMENT OF INNOCENT PARTIES SUED		
House Bill: (c) If an action is commenced by the corporation or by a recipient and a final judgment is rendered in favor of the defendant and against the corporation's or recipient's plaintiff, the court may upon proper motion by the defendant award reasonable costs and legal fees incurred by the defendant in defense of the action, and such costs shall be directly paid by the corporation.	Conference Bill: "(f) If an action is commenced by the Corporation or by a recipient and a final order is entered in favor of the defendant and against the Corporation or a recipient's plaintiff, the court may, upon motion by the defendant and upon a finding by the court that the action was commenced or pursued for the sole purpose of harassment of the defendant or that the Corporation or a recipient plaintiff maliciously abused legal process, enter an order (which shall be appealable before being made final) awarding reasonable costs and legal fees incurred by the defendant in defense of the action, except when in contravention of a State law, a rule of court, or a statute of general applicability. Any such costs and fees shall be directly paid by the Corporation.	*Comparison* Under the Conference Bill, innocent parties sued would have to prove harassment or malice before they could have their legal costs reimbursed.
14. OUTSIDE PRACTICE OF LAW		
House Bill: (4) Insure that attorneys, employed full time in legal assistance activities supported in whole or in part by the corporation, represent only eligible clients and refrain from any outside practice of law;	Conference Bill: "(4) insure that attorneys employed full time in legal assistance activities supported in major part by the Corporation refrain from (A) any compensated outside practice of law, and (B) any uncompensated outside practice of law except as authorized in guidelines promulgated by the Corporation;	*Comparison* The Conference Bill's language making possible "uncompensated" outside practice of law undermines the intention of the House to block evasion of restrictions applicable to staff attorneys on the cover story that the prohibited conduct occurred on the attorney's own time, as part of his "outside practice."
15. LOBBYING		
House Bill: (5) Insure that no funds made available to recipients by the corporation shall be used at any time, directly or indirectly, to undertake to influence any executive order or similar promulgation of any Federal, State, or local agency, or to undertake to influence the passage or defeat of legislation by the Congress of the United States, or by any State or local legislative bodies, except that the personnel of any recipient may (A) testify or make a statement when formally requested to do so by a governmental agency or by a legislative body or a committee or member thereof, or (B) in the course of providing legal assistance to an eligible client (pursuant to guidelines promulgated by the corporation) make representations necessary to such assistance with respect to any executive order or similar promulgation and testify or make other necessary representations to a local governmental entity;	Conference Bill: "(5) insure that no funds made available to recipients by the Corporation shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order of any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies, except where— "(A) representation by an attorney as an attorney for any eligible client is necessary to the provision of legal advice and representation with respect to such client's legal rights and responsibilities (which shall not be construed to permit a recipient or an attorney to solicit a client for the purpose of making such representation possible, or to solicit a group with respect to matters of general concern to a broad class of persons as distinguished from acting on behalf of any particular client); or "(B) a governmental agency, a legislative body, a committee, or a member thereof requests personnel of any recipient to make representations thereto;	*Comparison* The Conference Bill permits attorneys "to undertake to influence the passage or defeat of legislation" where such pertains to representation of an eligible client. Again, the fact that issue advocacy organizations are "eligible clients" negates the very important House safeguard.
16. REVIEW OF APPEALS		
House Bill: (7) Establish guidelines for consideration of possible appeals, to be implemented by each recipient to insure the efficient utilization of resources; except that such guidelines shall in no way interfere with the attorney's responsibilities;	Conference Bill: "(7) require recipients to establish guidelines, consistent with regulations promulgated by the corporation, for a system for review of appeals to insure the efficient utilization of resources and to avoid frivolous appeals (except that such guidelines or regulations shall in no way interfere with attorneys' professional responsibilities);	*Comparison* Development of guidelines for appeals is a prerogative of the Corporation board of directors under the House bill; it is left to the recipients themselves under the Conference Bill.
17. BAN ON SUSPENSION OF FUNDING		
House Bill: (No Provision).	Conference Bill: "(9) insure that every grantee, contractor, or person or entity receiving financial assistance under this title or predecessor authority under this Act which files with the Corporation a timely application for refunding is provided interim funding necessary to maintain its current level of activities until (A) the application for refunding has been approved and funds pursuant thereto received, or (B) the application for refunding has been finally denied in accordance with section 1011 of this Act; and	*Comparison* No comparable House provision. This language in the Conference Bill would bar summary suspensions of funding by the Corporation, even for flagrant violations of law or regulation. It makes suspensions under the Corporation almost as difficult as terminations are under the Economic Opportunity Act legal Services provisions for OEO.
18. PRISONERS RIGHTS		
House Bill: (b) No funds made available by the corporation under this Act, either by grant or contract, may be used— (1) To provide legal assistance with respect to any fee-generating case (except in accordance with guidelines promulgated by the corporation), to provide legal assistance with respect to any criminal proceeding or to provide legal assistance in civil actions to	Conference Bill: "(b) No funds made available by the Corporation under this title, either by grant or contract, may be used— (1) To provide legal assistance with respect to any fee-generating case (except in accordance with guidelines promulgated by the corporation), to provide legal assistance with respect to any criminal proceeding, or to provide legal assistance in civil actions to per-	*Comparison* The House ban on "prisoners rights" activity relating to conditions of incarceration is negated by the Conference Bill. The conference bill qualifies the ban by forbidding money only when the validity of the conviction is also being challenged; it allows funding of "prisoners rights" activity when the validity of the conviction is not being challenged.

COMPARISON OF 25 IMPORTANT DIFFERENCES IN H.R. 7824, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 21, 1973, AND AS MODIFIED BY THE SENATE-HOUSE CONFERENCE COMMITTEE REPORT OF MAY 8, 1974—Continued

persons who have been convicted of criminal charge where the civil action arises out of alleged acts or failures to act connected with the criminal conviction and is brought against an officer of the court or against a law enforcement official; . . .	sons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act for the purpose of challenging the validity of the criminal conviction and is brought against an officer of the court or against a law enforcement official; . . .	
19. PUBLIC INTEREST LAW FIRMS		
House Bill: (3) To award grants to or enter into contracts with any private law firm which expends fifty per centum or more of its resources and time litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both; . . .	Conference Bill: "(3) to award grants to or enter into contracts with any private law firm which expends fifty percent or more of its resources and time litigating issues in the broad interests of a majority of the public; . . .	*Comparison* The intended House Bill ban on aid to issue-advocacy, "legislation by litigation" public interest law firms is undermined by Conference Bill language which strikes the prohibition on firms which devote fifty percent or more of their resources "in the collective interests of the poor." The Conference Bill therefore approves funding of "public interest" law firms if such firms specialize in litigating "the collective interests of the poor." In the past this has been interpreted to include abortion activity, forced busing, welfare payments, etc.
20. JUVENILE REPRESENTATION		
House Bill: (6) To provide legal assistance under this Act to any person under eighteen years of age without the written request of one of such person's parents or guardians or any court of competent jurisdiction except in child abuse cases, custody proceedings, and PINS proceedings;	Conference Bill: "(4) to provide legal assistance under this title to any unemancipated person of less than eighteen years of age, except (A) with the written request of one of such person's parents or guardians, (B) upon the request of a court of competent jurisdiction, (C) in child abuse cases, custody proceedings, persons in need of supervision (PINS) proceedings, or cases involving the initiation, continuation, or conditions of institutionalization or (D) where necessary for the protection of such person for the purpose of securing, or preventing the loss of, benefits or securing, or preventing the loss or imposition of, services under law or in cases not involving the child's parent or guardian as a defendant or respondent.	*Comparison* The exceptions set forth in the Conference Bill negate the House Bill with respect to criminal cases involving persons under eighteen (a very important negation), cases where the parents are not parties to the suit (an almost totally sweeping exception), and cases involving "services" to which the child is entitled (like abortions). As a result of the Conference Bill negations, the attorney is superimposed over the parent in deciding whether the child shall have legal representation.
21. CONTROL OF PROJECT BOARDS		
House Bill: (c) In making grants or entering into contracts for legal assistance, the corporation shall insure that any recipient organized solely for the purpose of providing legal assistance to eligible clients is governed by a body at least two-thirds of which consists of lawyers who are members of the bar of a State in which the legal assistance is to be provided (except pursuant to regulations issued by the corporation which allow a waiver of this requirement for recipients which because of the nature of the population they serve are unable to comply with such requirement); such lawyers shall not, while serving on such body, receive compensation from a recipient or from the corporation for any other service.	Conference Bill: "(c) In making grants or entering into contracts for legal assistance, the Corporation shall insure that any recipient organized solely for the purpose of providing legal assistance to eligible clients is governed by a body of at least sixty percent of which consists of attorneys who are members of the bar of a State in which the legal assistance is to be provided (except that the Corporation (1) shall, upon application, grant waivers to permit a legal services program, supported under section 222(a)(3) of the Economic Opportunity Act of 1964, which on the date of enactment of this title as a majority of persons who are not attorneys on its policy-making board to continue such a non-attorney majority under the provisions of this title, and (2) may grant, pursuant to regulations issued by the Corporation such a waiver for recipients which, because of the nature of the population they serve, are unable to comply with such requirement) and which include at least one individual eligible to receive legal assistance under this title. Any such attorney, while serving on such board shall not receive compensation from a recipient.	*Comparison* The Conference Bill provides a waiver from the requirement of attorney majorities on governing boards for all presently-funded legal services projects, thus totally negating the House reform.
22. APPROPRIATIONS		
House Bill: Sec. 10(a) There are authorized to be appropriated such sums as may be necessary to carry out the activities of the corporation. The first such appropriation may be made available to the board at any time after six or more members have been appointed and qualified. Funds appropriated pursuant to this section shall remain available until expended.	Conference Bill: "Sec. 1010. (a) There are authorized to be appropriated for the purpose of carrying out the activities of the Corporation, $90,000,000, for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976, and such sums as may be necessary for the fiscal year ending June 30, 1977. The first appropriation may be made available to the Corporation at any time after six or more members of the Board have been appointed and qualified. Appropriations shall be for not more than two fiscal years, and if for more than one year, shall be paid to the Corporation in annual installments at the beginning of each fiscal year in such amounts as may be specified in appropriation Acts.	*Comparison* The House Bill would establish annual appropriations, with no pre-set level of authorization. Under the Conference Bill, the authorization level would rise to $100 million per year. Furthermore, the Conference Bill would allow two-year, rather than annual appropriations.

COMPARISON OF 25 IMPORTANT DIFFERENCES IN H.R. 7824, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 21, 1973, AND AS MODIFIED BY THE SENATE-HOUSE CONFERENCE COMMITTEE REPORT OF MAY 8, 1974—Continued

23. COMMINGLING		
House Bill: (b) Non-Federal funds received by the corporation, and funds received by any recipient from a source other than the corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds, but shall not be expended by recipients for any purpose prohibited by this Act (except that this provision shall not be construed in such a manner as to make it impossible to contract or make other arrangements with private attorneys or private law firms, or with legal aid societies which have separate public defender programs, for rendering legal assistance to eligible clients under this Act).	Conference Bill: "(c) Non-Federal funds received by the Corporation, and funds received by any recipient from a source other than the Corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds, but such funds received for the provision of legal assistance shall not be expended by recipients for any purpose prohibited by this title; except that this provision shall not be construed in such a manner as to prevent recipients from receiving other public funds or tribal funds (including foundation funds benefiting Indians or Indian tribes) and expending them in accordance with the purposes for which they are provided, or to prevent contracting or making other arrangements with private attorneys, private law firms, or other state or local entities of attorneys, or with legal aid societies having separate public defender programs, for the provision of legal assistance to eligible clients under this title.	*Comparison* The Conference bill language says public funds provided to recipients from sources other than the Corporation shall not be subject to the requirements established by law for Corporation funds and activities.
24. INDIRECT FEDERAL ASSISTANCE		
House Bill: (No Provision).	Conference Bill: "Sec. 1012. The President may direct that appropriate support functions of the Federal Government may be made available to the Corporation in carrying out its activities under this title to the extent not inconsistent with other applicable law.	*Comparison* The Conference Bill would enable a President of the United States to make available to the Corporation, without Congressional check, unlimited assistance of an "in-kind" nature: GSA vehicles, xerox machines, printing and publication, vehicles, Federal telecommunications services, etc.
25. PERSONNEL TRANSFER AND UNION AMENDMENTS		
House Bill: (No Provision).	Conference Bill: . . . Personnel transferred to the Corporation from the Office of Economic Opportunity or any successor authority shall be transferred in accordance with applicable laws and regulations, and shall not be reduced in compensation for one year after such transfer, except for cause. The Director of the Office of Economic Opportunity or the head of any successor authority shall take whatever action is necessary and reasonable to seek suitable employment for personnel who do not transfer to the Corporation. (c) Collective-bargaining agreements in effect on the date of enactment of this Act covering employees transferred to the Corporation shall continue to be recognized by the Corporation until the termination date of such agreements, or until mutually modified by the parties.	*Comparison* The Conference Bill locks in the rather unusual OEO union agreement and other regulations related to the operations of the new Corporation.

BARNARD FLAXMAN—HARTFORD INSURANCE GROUP

Mr. RIBICOFF. Mr. President, on June 14, 1974, the Hartford Insurance Group honored an old and dear friend, Barnard Flaxman, who had completed 50 years with the company. There are few men with the character and ability of my friend, affectionately known as Barney. An article from the Hartford Courant of June 16 sets out his outstanding record and contribution. In addition to his work with the Hartford Insurance Group, Barney is one of the most respected men in the entire Hartford community. He has given of himself to so many worthwhile causes. I take this opportunity to pay tribute to Barney and his wonderful wife, Pat, and would like to share this event with my fellow Senators.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

FIFTY YEARS AT THE HARTFORD

Barnard Flaxman, a member of the board of directors of the Hartford Insurance Group, has completed 50 years association with the company.

In a ceremony Friday in the Tower Suite of The Hartford's home office, Flaxman was presented a resolution from his fellow directors which cited his commitment to the financial stability, growth and integrity of the company during his five decades of service.

Flaxman retired from active service with The Hartford in 1967 as vice president in charge of investments. He continued as a member of the board of directors.

He began his career with The Hartford in 1924, and was elected an assistant secretary in 1937. He was elected a vice president in 1952, when he assumed responsibility for the company's investments. He also served as chairman of finance committee of the board of directors.

During his 15-year stewardship of The Hartford's investment program the value of the common stock portfolio grew from $87 million in 1952 to $686 million at the time of his retirement. Dividend payments quadrupled during Flaxman's tenure, and the company's total consolidated resources increased from $580 million in 1952 to nearly $2 billion in 1967.

A DECISION MAKER

Flaxman is remembered in The Hartford's investment department as a forceful decision-maker who expected the best from his employes, an expectation he preferred to communicate on a personal level.

"He has the gift of inspiring people to do their best," a former associate observed.

This emphasis on quality performance was one factor in the respect his staff held for Flaxman. This was dramatized at his 1967 retirement from active service when people who had worked with him and who had advanced to other jobs returned to join his staff for his testimonial event. Included were bank presidents and heads of major research firms.

A pioneer in in-depth research of bank stocks and in the forecasting of the earnings of corporations considered for investment purposes. Flaxman is respected in the investment community as a "total investment man" because of his wide ranging interest and expertise.

Flaxman's thorough approach included the incorporation of social and political trends among the financial and fiscal movements studied as the basis for The Hartford's investment policy.

"Social and political trends are very im-

portant," he has remarked. "They determine financial trends."

OTHER DUTIES

In addition to his investment responsibilities, Flaxman also directed the company's nationwide real estate operations, including the building of major structures in San Francisco, Chicago, Atlanta and in Hartford.

Flaxman's groundwork paved the way for the decision to put up a 12-story building in Orlando as a major real estate venture. Occupied in 1970, the building is the headquarters for the company's regional home office and is also used by outside tenants in the southeast Florida community.

During his career he was an active participant in business and community affairs. He was a director of Hartford National Bank and Trust Company, the Newington Hospital for Crippled Children, the Institute of Living, the Connecticut Spring Corporation, and also served as a trustee of the Mechanics Savings Bank and of Syracuse University, his alma mater. He was a corporator of Mt. Sinai, St. Francis and Hartford Hospital.

Flaxman was also a member of the New York Society of Security Analysts, the National Federation of Financial Analysts, and the Hartford Society of Financial Analysts. He maintains residences in Hartford and Palm Beach, Fla.

SOIL CONSERVATION

Mr. PEARSON. Mr. President, recently at the request of my distinguished colleague from Kansas (Mr. DOLE), the Senate Agriculture Committee conducted oversight hearings on conservation practices. I believe these hearings have been especially beneficial to farmers and other people depending on conservation programs in Kansas. Senator DOLE's testimony at these hearings was especially descriptive of the problems and needs for conservation in Kansas, particularly concerning the availability of technical assistance from the Soil Conservation Service.

At those hearings, the SCS announced the addition of 200 technicians to its work force. These technicians should be very beneficial in carrying out conservation measures in Kansas and other States and I commend Senator DOLE for his outstanding efforts to improve these programs.

As the distinguished Senator from Kansas pointed out in his statement, food is expected to be the greatest international problem in coming years, and soil and water conservation is a key factor to solving this problem. His statement is very instructive on the matter of conservation, and I ask unanimous consent that it be printed in the RECORD.

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

STATEMENT BY SENATOR BOB DOLE ON SOIL CONSERVATION, JUNE 27, 1974

Mr. Chairman, I commend you for your prompt response to the needs of conservation programs in scheduling these hearings. I can assure you, from the contacts and mail I have received from my constituents in Kansas, that soil conservation is of very great concern in my state.

We are receiving testimony from several Kansas witnesses today. This indicates the large amount of concern among farmers in the state. I think it is entirely appropriate that conservation measures should be of great concern in the nation's number one wheat producing state and one of the major agricultural areas in the world.

The importance of conservation measures to Kansas farmers is the reason behind my ongoing interest in conservation programs ever since my election to Congress 13 years ago. It is also the reason for my introducing last year S. 1902, a bill to reinstitute permanent soil and water conservation practices. The essence of that bill, I am proud to say, was included in the Agriculture and Consumer Protection Act of 1973.

So the farmers in Kansas and I are vitally interested in the topic of these hearings today, particularly concerning the availability of SCS technicians for the implementation of conservation programs and the level of funding for these programs. I think it is beneficial to hear from the Department of Agriculture about intentions for future conservation efforts and also from those who carry out and benefit from conservation programs. Testimony today, as to what practices are useful and necessary, will help shape future programs. We will be particularly attentive to suggestions about what improvements should be made.

AGRICULTURAL RESOURCES: NO. 1 ISSUE

Those of us in the Senate Nutrition Committee heard many witnesses testify last week at National Nutrition Policy hearings that food, and not oil, should be the issue of greatest concern in the world. This is also an issue that we have heard frequently here in the Agriculture Committee, with many experts doubting the ability of the world's population to feed itself.

In many parts of the world, including Asia and Africa, we are witnessing the likelihood of starvation for many thousands and even millions of people. As the world's most bountiful and reliable food producing area, the United States is bound to play a key role in this situation. When conditions have come to a question between starvation and survival, we can see that, without a doubt, food should be the number one issue in the world. Agriculture and the capacity to produce food should have an equal priority.

CONSERVATION KEY TO FUTURE FOOD PRODUCTION

Although the question of adequate supplies may not be seen clearly enough at this point, it is clear that the question will probably become increasingly urgent in the years to come. The only hope we have of meeting the food needs of the future is by preserving our food production capacity by soil and water conservation.

Given the present population trend, one thing we can be fairly certain of in coming decades is a growing number of people in the world. Even in the ideal situation of zero population growth, it seems unlikely that the world population will decline substantially.

Two trends in food consumption are likely to aggravate the food supply situation even more than it is today. First, a growing world population will require more food. Second, as more and more nations in the world become developed, the food consumption per capita is likely to rise as it has in this country.

The food consumption pattern of developed societies has shown an increasing preference for beef and other livestock products which require even larger crops of feed grains. Expanded feed grain and livestock production, beyond a doubt, will place an even greater strain on the productive capacity of Kansas farmers and farmers throughout the Nation.

So the need for conservation should be clear. In order to meet the projected food needs of the future, the productive capacity of U.S. Agriculture must be preserved. Preservation of our ability to produce can only be accomplished through sound soil and water conservation programs.

Food has been identified as the number one issue in the world and for the future. Conservation, as the key to meeting the food needs of the future, must also be of number one priority.

RECENT EXPERIENCES INDICATIVE

The expansion of agricultural acreage during this past year in response to increased demand should be a useful experience for designing conservation programs of the future. We have seen that, in response to sharply increased world demand for American grains, set aside acreage was abolished and farmers were urged to plant "fence to fence".

Farmers in Kansas and other states responded to that encouragement and to the sharply increased prices for wheat and feed grain.

Not long after the sharp expansion of acres under production, we saw a report by the Department of Agriculture forecasting that the new crop land might be especially erosion-prone. More recently, we have seen reports by the Department of nearly four times as many acres damaged by erosion in the Great Plains area this year over last year.

This experience is extremely relevant to our future agricultural conservation programs. With the prospect of greatly increased world food needs in the future, we will undoubtedly face the need for even greater expansion in agriculture in the coming years.

Mr. Chairman, it would be extremely foolish and even suicidal to face the need for future agricultural expansion without a well planned and well organized program to conserve our soil and agricultural resources. Obviously, if every expansion, as we have seen in the past year, is accompanied by an increase of four times the amount of erosion, then American farmers will not long be able to meet the food production requirements placed on them.

SCS ASSISTANCE IS VITAL

In the USDA News Release concerning erosion in new croplands on February 14, 1974, SCS Administrator Kenneth Grant stated, "Local conservation districts and USDA technical people are going to have to redouble efforts to help farmers and ranchers to get additional cropland acres under a conservation plan and to apply measures to stop excessive soil erosion."

Yet at the same time, we have seen that the level of soil conservation technicians has been on a constant decline in recent years. It is difficult for me to understand how USDA technical people are going to provide increased assistance when they are constantly declining in number.

It is my understanding that, in Kansas, there has been more than a 20 percent decline in the number of SCS technicians in the past seven years. Nationwide, the reduction in soil conservation service personnel is over 22 percent, according to the information I have received.

It may be that, because of more efficient organization and new techniques SCS technicians are able to provide more assistance now than previously. However, the technical assistance provided by SCS technicians is of great importance to the program. The information I have received from Kansas suggests that the level of technical assistance has not been entirely adequate. I think the Department of Agriculture should respond to this matter and explain how the increasing conservation needs of farmers can be met by fewer SCS technicians.

It has been called to my attention that the Department of Agriculture may reverse this trend. I would applaud this development. Witnesses from the Department may have further information on this today.

LEVEL OF FUNDING

Another key factor in conservation programs is the level of funding provided for assistance and incentives. The soil and agri-

cultural resources are the most vital wealth we have. It is in the national interest to provide federal funds to assist farmers in constructing measures and providing assistance and incentive to farmers to build conservation measures.

It is my understanding that the budget request for conservation measures and for the water bank program this year is $118,800,000. This compares to an appropriation for fiscal year 1974 of $175,000,000 and an appropriation for fiscal year 1973 for $225.5 million.

In other words, at a time when the need for conservation measures is increasing, the level of funding for these measures has been on the decline. I believe the Department of Agriculture officials here today should respond as to how conservation measures can be increased when funding is at a lower level.

Mr. Chairman, in my opinion, we should consider a letter of recommendation to the Subcommittee on Agriculture Appropriations that funding for conservation measures should be increased. I have been advised that the level of funding for conservation measures is presently under consideration by the Subcommittee and such a recommendation would be most timely.

Again, I appreciate this opportunity to testify on a matter so important as conservation. I believe the actions resulting from this meeting are bound to be beneficial and will help American farmers meet the number one priority of this century—food.

DR. GOLDMARK ON "A NEW RURAL SOCIETY"

Mr. HUMPHREY. Mr. President, for many years Dr. Peter Goldmark served as president of CBS laboratories and was a major force in the development of many of the modern-day communications facilities which we all take for granted.

Upon his retirement from CBS Dr. Goldmark formed his own company and dedicated himself to providing new services to rural America through the use of advanced communications technology.

Because of my interest in the development of rural America, I have had the opportunity to visit with Dr. Goldmark on several occasions and I am hopeful that his work will produce results which will make rural America a better place to live.

Mr. President, I ask unanimous consent that an article about Dr. Goldmark's New Rural Society project, published in the May 1974 edition of Rural Electrification magazine, and excerpts from an article by Dr. Goldmark which appeared in the Michigan Business Review, be printed in the RECORD.

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

A NEW RURAL SOCIETY BASED ON TELECOMMUNICATIONS

Dr. Peter Goldmark envisions a future society where telecommunications technology will remedy urban chaos, revitalize rural America and solve the energy crisis.

He calls it the New Rural Society (NRS). Today, with a HUD grant and supported by USDA, FCC, HEW and Fairfield University, it is already testing imaginative applications of telecommunications in rural Connecticut, and working with Western Wisconsin Communications Co-op.

NRS's innovative experiments in telecommunications are developing new communications techniques to help upgrade the quality of rural life and prove that these communications projects can infuse economic viability into rural areas through employment, improved health services, educational opportunities and cultural enrichment.

Dr. Goldmark, the man who invented the long-playing record, the video cassette and the first workable color television system, believes that present telecommunications technology is available but NRS must prove the economic viability and help change present trends toward urbanization and centralization of population.

He calls for a historic reversal of the system that drove 30-million rural Americans from the land since 1940 and for new policies—governmental, social and private—to rebalance our population and growth trends.

In an interview, Dr. Goldmark talks about his new idea:

I feel it is important now to start thinking, not just turning off switches or researching new energy sources, of reversing the tragic trends of society, especially the crowding of people into urban centers where more energy is constantly needed.

I urge that we consider a simple rebalance of population—a shift of the present trend toward the city back to the country.

What I propose is that the advances of telecommunications technology—satellites, cable TV, broadband circuits and similar electronic devices—be used to attract future generations back to smaller towns and rural areas.

Because of current trends we are in the midst of an urban/rural problem that is intertwined with the energy crisis. This triangular problem is linked to the largest migration in the history of man—of 30-million people from America's rural areas to its cities—that created a population imbalance in which 80 percent of the people now live on 10 percent of the land.

The resulting society problems affect more than three-quarters of our population and occurred while science and technology triumphed in many fields, unaware of the developing catastrophe. My plan for coping with the urban/rural/energy crisis is to create a new rural society based on the innovative use of telecommunications technology. It is underway as a Federal pilot project under HUD in rural Connecticut. We have worked with regional communications projects in Minnesota and are actively participating in the exciting possibilities of the Western Wisconsin Communications Cooperative.

NRS is proposing future development of rural cable service based on extension of existing cable technology and with community participation and involvement through cooperatives to bring cable to every rural home. In discussions with the REA I see the chance to apply REA practices in operating local cooperatives funded through long-term, low-interest loans. Utilizing REA technical expertise, it would be possible to lay special cable and amplifiers on such a scale that ultimately all rural homes would be wired for cable communications.

NRS projects have already shown that through telecommunications businesses can link remote operations and bring jobs and industry to rural areas. Most Americans would like to live in rural communities but without jobs they are forced by economic necessity to continue living in or to move to urban areas for employment. The basic idea of NRS is to find out how to bring complex services to the consumer by imaginative uses of communications and thus draw people back to the countryside (or keep them there) by providing the same cultural, economic, health and educational services available in the city.

I submit the New Rural Society is a bold scheme. It demands faith in the options provided by technology. But if such faith is not forthcoming and present trends continue I see nothing short of disaster for our nation.

[From the Michigan Business Review, the University of Michigan, Ann Arbor]

THE NEED FOR A NEW RURAL SOCIETY

(By Peter C. Goldmark)

The energy crisis, which evolved in part from the great migration from rural America to urban concentrations, has heightened the urgency to solve the nation's population imbalance between the large cities and our vast rural areas. Consequently, society is being threatened by the closely linked urban, rural and energy crises.

Ever since World War II there has been an unprecedented flow of people from the country to the city. This continued migration has created today's huge urban complexes with their unmanageable problems of crime, drugs, pollution, transportation and, now, energy. Conversely, rural communities offer few employment opportunities, inadequate health care and education with no entertainment and cultural activities to reverse the migration of people to the cities. As a result, more than three-quarters of our population concentration is urban and suburban, yet 95 percent of our land is essentially rural.

We have not planned for our future very wisely, and we are on a dangerous trend. A quick glance at history bears this out. During the past 10,000 years little has changed in the physiological, mental and behavioral characteristics of man. Yet, in the last 200 years, science and technology have radically changed our living pattern. If these developments were combined in a single graph and plotted on the scale of man's history, the curve would remain constant for 10,000 years, but shoot up almost vertically during the past 200 years. This upturn would reflect the sudden changes in all aspects of our lives and the rapid rate at which we are depleting our resources.

There is mounting evidence that sociological and environmental problems increase with higher population concentrations. This evidence also shows that man is physiologically and psychologically unprepared for the resultant stresses and strains. For example, four times more crimes per unit population are committed in a city of one million, compared to a town of ten thousand. The concentration of pollutants is roughly the same ratio.

Is there a way out of this? I believe there is. One meaningful approach to the problem is the concept of the New Rural Society (NRS), a national pilot study now in its second year and funded by the U.S. Department of Housing and Urban Development through a grant to Fairfield University.

TELECOMMUNICATIONS TECHNOLOGY

The objective of the NRS is to provide some 80-million families with a choice by 1994 of living and working in an attractive rural or urban environment. Basic to the concept of the New Rural Society is the thesis that existing communications technology can be applied imaginatively to business and government operations so that their components can be decentralized to rural areas and continue to operate effectively. Telecommunications techniques will also be adapted to educational needs, health care, cultural and recreational pursuits to upgrade the quality of life in rural areas.

It is essential to the implementation of the NRS plan that a voluntary population redistribution involve the majority of our many thousands of small communities ranging in size from 2,500 to 150,000 people. Appropriate state-wide and community planning will be essential to assure that the growth rate of the individual community

be tailored to suit its long-term local objectives. Our studies have shown that such a plan would fully preserve existing land resources, because the growth of the individual communities can take place within their geographical boundaries.

The basic steps in accomplishing the NRS goal were established during our initial studies. These steps are directed toward combining three key ingredients—Places, Jobs and People—under properly planned conditions.

Initial "quality of life" studies by the New Rural Society task force revealed that there are more than 4,000 existing communities in this country with populations ranging from 2,500 to 150,000 which have the potential of becoming viable growth centers with proper planning.

In order to develop workable methods of applying telecommunications technology to rural communities, the Windham Regional Planning Area in northeastern Connecticut was selected with the cooperation of the Governor as a model for study and demonstration purposes. This area is economically undeveloped, and its ten townships are typical of rural Connecticut. It is located approximately 30 miles from Hartford, the state's capitol.

Baseline analyses of the region's living conditions and the expressed attitudes of the residents have been carried out in cooperation with the Windham Regional Planning Agency. Among these analyses was the important consideration of where people prefer to work. Most residents who work in the area want to continue to do so. Those who commute to their jobs in nearby cities, such as Hartford, would rather work where they live if employment opportunities suitable to their individual skills were available. As a corollary, a recent Gallup Poll reported that approximately one-half of all the urban population of the United States would like to live and work in a rural community, beyond the suburbs.

BUSINESS COMMUNICATIONS

The New Rural Society project has placed special emphasis on the uses of telecommunications techniques in order to assure business and government operations that the location of individual units in small communities permits the same continuity of contact with internal and external operations as they do in urban areas. Among the various communications audits undertaken was the important matter of business meetings on an informal or scheduled basis. Back-to-back laboratory studio experiments using a variety of telecommunications methods were conducted during these audits, followed by actual electronic teleconferencing field tests with Connecticut business organizations and government agencies.

Because organizations have found that business conferences can be conducted efficiently with telecommunications as a substitute for face-to-face meetings, the system has drawn considerable attention since the emergence of the national energy shortage. A large Connecticut financial institution, the Union Trust Company, has been working with the NRS team to hold regularly scheduled intercity executive committee meetings for several months using an electronic communications system designed by the NRS team. Union Trust maintains headquarter offices in Stamford and New Haven, located 40 miles apart. In the past, executives from the two locations have had to travel from one city to the other to conduct their business in joint sessions.

The NRS teleconferencing program has not only saved gasoline and travel time for Union Trust officials, but it has actually shortened the duration of each meeting. Participants tend to be more inclined to adhere to the prepared agenda and to confine themselves to relevant discussion.

The system uses special acoustical technology to create individual sound images of the participants. Leased telephone lines link the two communications terminals and specially connected microphones are provided for each participant in the teleconference. As a participant talks, his associates at the other location are able to identify him through the permanent location of his sound. Documents, reports and other graphic materials can be transmitted back and forth during meetings by facsimile equipment for review by the participants.

The comprehensive NRS field tests using various methods of electronic teleconferencing have shown that a two-way, point-to-point video link is, in most cases, economically prohibitive. The tests also demonstrated that the new audio system can equal or surpass the performance of a video system at a fraction of the initial capital and operating costs. The practicality of audio teleconferencing is a major step in the over-all objective of the New Rural Society to provide business and government with the tools to operate effectively regardless of a community's location or size.

This application of telecommunications to major problem areas providing employment opportunities for rural communities exemplifies the philosophy upon which the New Rural Society concept is based.

APPLICATION IN HEALTH CARE

Another pressing problem for most rural areas is the lack of trained personnel for primary health care. Our studies have revealed that in the Windham Region the ratio of primary care physicians to the population is half that of the national average—roughly one-quarter doctor per 1,000 people.

With the assistance of the New Rural Society team, primary care physicians of the Windham Region have organized to seek methods of alleviating the situation. This calls for the training and use of paramedical personnel supported by telecommunications facilities. The goal is to optimize utilization of the area's hospital and physician resources and to take advantage of the diversified services available at large medical care complexes in nearby larger cities.

One approach by the NRS study team is training paramedical personnel to provide preventive, curative and rehabilitative services at low cost with existing telecommunications technology and systems.

To improve medical service to rural areas covered by the few and often overburdened rural physicians, a team approach to health delivery is contemplated. In this approach, the physician remains the central person, assisted by a nurse and by a paramedic driving a small mobile health bus equipped with emergency and diagnostic equipment. The physicians or nurse will be able to communicate with the "medibus" from his office over a two-way FM radio link capable of carrying simultaneously voice, facsimile and diagnostic data. Calls from patients would be handled by the nurse and referred to the paramedic or when necessary, to the doctor. Another communication link will connect the physician's office with the nearest hospital for certain emergencies.

In addition, the physician assistant would also be responsible for doing periodic screening of teachers and students in nearby rural schools for early detection and treatment of illness.

Adequate health care is essential to businesses when considering relocation to know that their personnel will be provided with sufficient and efficient medical services when they are needed.

Along with assurance of proper health care, people who are considering a community as a place in which to live are equally concerned with the quality of educational facilities for their children.

Electronic teaching aids can bridge much of the gap between big-city and small-town educational resources. A number of rural schools can pool closed-circuit television, for example, and reap the benefit of pre-programmed learning material, prepared by outstanding educators.

Telecampuses can be established to bring higher education to small communities. Audio/video telecommunications can make it possible for people to listen to lectures and participate in classroom discussions.

The continuing output by a small community of its youth educated to their fullest capacities is an incentive to a business organization to consider location in a town where manpower needs are likely to be available.

When a community can provide employment, effective health care, broad educational facilities, what else does it need to make it an attractive place in which to work and live? It needs facilities to provide its people with recreation and entertainment, and opportunities for cultural pursuits of individual appeal. It needs all the advantages, including public services, which people can find in urban areas.

As a focal point of these needed facilities, the New Rural Society team has proposed a Community Communications Center where the local citizenry can find under one roof a multitude of services provided by electronic communications, both for intracommunity contact and for contact with other communities and cities.

NRS AND ENERGY

These are examples of how a New Rural Society can be achieved to benefit the large city and the rural town in America; but this process will also permit us to preserve our energy resources. Stopgap measures to save fuel will not accomplish lasting results. The huge consumption of oil by our urban centers can be eased only to a limited degree by use-restrictions.

We have plenty of coal, but if we return to this source of energy for our large cities, the concentration of pollution in the air becomes prohibitive.

If people could live again in a decentralized fashion, power generation could also be dispersed and the resultant pollution can become tolerable.

Fuel for transportation uses up one-quarter of the country's entire energy demands. Automobiles consume about half of this amount of which one-half is used by automobiles for daily commuting to and from work.

The New Rural Society plan envisions people living and working in the same rural community. With proper local planning, the growth of these communities could ensure that new businesses, homes, shopping centers and other community services would be located to encourage walking or bicycling. Under such conditions, significant amounts of fuel could be saved.

As we have discovered in our NRS studies, many people, given the option, would prefer to live and work in the same small town. Lack of planning is responsible for much of our complex situation today.

The tremendous geographical imbalance of our population distribution, brought about largely by business concentration in urban centers, has been the major factor in the current economic and social decline and the depletion of our natural resources. We must have the courage and the wisdom to realize that our present course is leading to the decline of society, as we know it.

It has been proposed that new towns be built to accommodate more people. A few have been built. The truth is that a new town would have to be completed every second day from now to 1994 to accommodate the population which may choose to live in rural areas.

In rural America, thousands of small, potentially viable towns already exist. On this

foundation can be built a New Rural Society to provide jobs and services for those already living in these towns and for those who will want to move into them from the large cities.

DEFENSE AUTHORIZATION

Mr. GOLDWATER. Mr. President, the annual prolonged debate of our Defense authorization has just come to an end and when the conference report is voted on, it will be but another memory. Older Members of this body will recall that prior to 5 or 6 years ago the work of the Armed Services Committee usually went unquestioned and there was rarely any debate in the Senate about it. Now, I am not saying there should not be debate; in fact, there should be debate on every matter that comes to this floor that presents any questions, but I suggest that the debate should be engaged in by people equally as knowledgeable as members of the committee involved or the staffs of those committees.

The Association of the United States Army, naturally, being concerned about the attacks that are made on our military personnel and our weaponry—attacks which are sometimes backed up by good, sound facts but, which many times are not and actually border on the ridiculous—have compiled a paper by members of the association presenting their views about defense. In placing this paper in the RECORD, I would like to emphasize that it is not a personal opinion alone expressed by the association, it is an expression by a group of men representing a broad spectrum of people experienced in the defense business. I realize that the opinion of the association will not deter the long list of organizations who give financial support to the attacks on the military but, nevertheless, I think it should be made available to Members of Congress, so I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

ASSOCIATION OF THE
UNITED STATES ARMY,
Washington, D.C., June 14, 1974.

Memorandum to: Chapter Presidents.
Subject: The Importance of AUSA Presenting the Facts About Defense.

To better appreciate the importance of AUSA's educational efforts in support of an adequate national defense, one needs to know more about the energetic groups and individuals who devote increasing efforts towards the emasculation of our defense posture. There is a constant drumfire reaching the Congress to reduce our defense expenditures.

One such group is called the "Project on Budget Priorities." Last year they indicated that their financial support came from among the following:

Amalgamated Clothing Workers;
Amalgamated Meat Cutters;
American Federation of State, County and Municipal Employees;
American Federation of Teachers;
Americans for Democratic Action Common Cause;
Executive Council of the Episcopal Church;
National Association of Home Builders;
National Farmers Union;
National Student Lobby;
Oil, Chemical and Atomic Workers;
Ripon Society;
United Auto Workers;
United Church of Christ;
United Mine Workers;
United Presbyterian Church, USA, and
United States Conference of Mayors.

Their primary effort is to produce each year their analysis of the pending defense budget and to indicate their views on how it can be cut substantially. Their recommended cut on the FY75 budget was $11 billion.

In their promotional literature, they style themselves as military "experts" and gain some credibility because of the previous service of a number of the principals as second, third or lower echelon political appointees to government departments during previous administrations. Those who allowed their names to be used on this year's recommendation include:

Paul C. Warnke, Convener, Former Assistant Secretary of Defense (International Security Affairs).

Adrian S. Fisher, Former Deputy Director, U.S. Arms Control and Disarmament Agency.

Alfred B. Fitt, Former Assistant Secretary of Defense (Manpower).

William Foster, Former Director, U.S. Arms Control and Disarmament Agency.

Alvin Friedman, Former Deputy Assistant Secretary of Defense (International Security Affairs).

Roswell Gilpatric, Former Deputy Secretary of Defense.

Morton Halperin, Former Deputy Asst. Secretary of Defense (Policy Planning & Arms Control).

Townsend Hoopes, Former Under Secretary of the Air Force.

Brigadier General Douglas Kinnard, U.S. Army, Ret., Formerly in the U.S. Military Assistance Command, South Vietnam.

George B. Kistiakowsky, Former Presidential Science Advisor to President Eisenhower.

Anthony Lake, Former staff member, National Security Council.

Rear Admiral Gene LaRocque, U.S. Navy, Ret., Former Commander, Carrier Task Group, U.S. Sixth Fleet.

Vice Admiral John M. Lee, U.S. Navy, Ret., Former Assistant Director, U.S. Arms Control and Disarmament Agency.

Earl Ravenal, Former Director, Asian Division (Systems Analysis), Department of Defense.

Herbert Scoville, Jr., Former Deputy Director, Central Intelligence Agency.

Ivan Selin, Former Deputy Assistant Secretary of Defense (Strategic Programs).

Richard C. Steadman, Former Deputy Assistant Secretary of Defense (East Asia and Pacific Affairs).

James C. Thomson, Jr., Former staff member, National Security Council.

Adam Yarmolinsky, Former Deputy Assistant Secretary of Defense (International Security Affairs).

Herbert F. York, Former Director of Defense Research & Engineering.

Walter Slocombe, Editor, Former staff member, National Security Council.

To provide a better understanding of the degree of irresponsibility in their effort, a description of their major recommendations follows. Many of these recommendations were presented to the Congress during consideration of the Defense Authorization Bill by the small band of outspoken liberals who constantly attack defense spending. Fortunately, all amendments stemming from their suggestions were substantially defeated this time. Some of these recommendations had previously appeared in a publication called "Defense Monitor." Retiring Chief of Naval Operations Admiral Zumwalt was asked to comment on proposals appearing in that paper. He said: "The publication is put out by a retired Rear Admiral named LaRocque and its data is not consistent with any analysis done by any respectable organization. Some of it can most charitably be described as distortion apparently designed to achieve major reductions in the defense budget regardless of the facts." One might properly extend the same description to the report on military policy and budget priorities which has just been published by the Project on Budget Priorities.

The paper opens by making a big point of the fact that this year's defense budget is the largest peacetime budget in our history. In today's inflated dollars—nobody disputes that. In presenting these statements, they accuse the administration of "juggling its figures," "attempting to camouflage the real increases"—in an effort to persuade the reader that some underhanded skullduggery is going on. Obviously no mention is made of the vast alteration in budget priorities which has already taken place in this country, nor do they point out that the defense budget is only 5.9 percent of the GNP now as compared to 9.4 percent in 1968; that it represents only 27.2 percent of our total federal budget outlays as opposed to 42.5 percent in FY68. They overlook the very important point that every budget for every government department each year is a record. If the inflation rate is 7.5 percent, it will cost $6 billion more just to have the same purchasing power as the defense budget last year.

The report goes on to carp "at how much of the Nixon's proposals involve waste, continuance of unwise past programs and unsound efforts at pump priming." Finally, in the opening of the report, we are told that we are to be presented with a series of "feasible measures that can be taken and programs that can be cut without risk to our national security." There is no indication of the basis or expertise on which this evaluation of risk is made. An evaluation, it might be added, which is disputed by every major authority on the subject.

The second section is a brief theoretical discourse on economics and the military budget. It would not be particularly worthy of comment except for a couple of points that need to be refuted. Much is made of the fact that some money is contained in the defense budget for economic stimulation. This report says it's about $6 billion. Defense Secretary Schlesinger says it may be between $1 to $1.5 billion. The report is aghast at such an idea, no matter what the amount, stating that "inflating the military budget is a grossly wasteful device for economic stimulation." This would be true if A) you bought items or services you didn't need, or B) you paid more for items than you should. There is no evidence either of these is the case. The report goes on to list four reasons why economic pump priming through the defense budget is "clumsy and crude." First, they say, military spending impacts more slowly "because of built-in lags necessary for cost effective contracting." Cost effective contracting is a virtue which we believe should be applied assiduously to all our government programs.

The second reason has to do with targeting expenditures geographically. Perhaps they have in mind such actions as Congress insisting that the Department of Defense buy in Texas airplanes they don't need. Thirdly, military spending generally goes to skilled workers, not the unskilled, low-income type that are most needy.

And finally, reason four is that we shouldn't buy "superfluous military hardware," instead of creating social capital for other welfare programs. This group feels that the economy should be stimulated by money more wisely spent through "expanded and extended unemployment compensation benefits, quick impact local programs of public employment, a temporary reduction of the social security withholding rate or a reduction in the income tax on low incomes." In any event, the percentage of the budget in-

volved is comparatively small and hardly worth all of this concern.

The next chapter discusses what they call the real world of today and military needs. It has a tone of Alice-in-Wonderland about it. The chapter opens by stating that the increase in the defense budget "would suggest somehow that the military threat to the United States has increased." And then goes on to say: "But it is not so." What the basis for the statement is we are not told. The increase in the Soviet threat is dealt with in great detail by Secretary Schlesinger in his Posture Statement. The Posture Statement of the Chairman of the Joint Chiefs deals almost exclusively with the rapid growth of Soviet military strength vis-a-vis the United States. Certainly there can be little encouragement from the Mid-East and with the leadership of friendly governments falling like dominos. So far this year, for example, political changes of one kind or another have occurred in eight NATO nations—four of the government turnovers came within a five day period in early May. It would appear that the increased dangers are readily apparent. But not to this group. The chapter concludes with a couple of statements that indicate the unstable basis for this fuzzy thinking. Consider these: "Our true national security is sacrificed to a needless drive for more weapons of unneeded complexity and inordinate expense and for the maintenance at home and overseas of military forces designed for contingencies in which our military involvement would disserve our national interests." There's more: "For our true national security is neither measured nor insured by tanks, planes, missiles, warships and armed men, but by the fundamental strength, unity and confidence of our people in our institutions, our economy and our society." One wonders how the Soviets, the Chinese or, for that matter, the rest of the world would measure that high-minded, idealistic statement in terms of a credible deterrence.

Moving on to more specific recommendations, the report next zeroes in on our general purpose forces.

Here again it is almost impossible to separate fact from emotional opinion, and some of these defy definition. For example, "grossly inflated 'constant dollars' basis which minimize current costs." That's a non sequitur. The purpose of defining costs on a "constant dollar" basis is to assess the impact of higher costs and inflation for the purchase of similar goods and services.

One wonders also where the authors get their figures. They mislead the reader when they talk about how little change there has been in conventional forces. They use the decade from 1964 to 1975 to show that there has been only a modest decline in the size of our conventional forces. The strength picture for our Armed Forces is as follows: FY 62—2.8 million; FY 68—3.5 million; FY 75—2.15 million. So, contrary to their statement, there has been considerable change in our forces, both up and down, to meet specific needs.

They next maintain that our conventional peacetime forces are "qualitatively far more powerful." Here are some comparisons: The authors make the point that we maintain essentially the same number of tactical air wings as we had in 1964. This is not far off the mark. The numbers of tactical aircraft have decreased by about 600, although presumably newer craft entering the inventory are better performers. (Russia's tactical aircraft increased about 1,200 in the same period.) The authors next maintain that the Navy has the "same number of attack carriers and three times as many attack submarines." That will come as a big surprise to the Navy. The facts are: 1) in FY 64 the Navy had 24 aircraft carriers; in this fiscal year they have 15 and are still scheduled to have 15 for FY 75. That's a difference of 9 carriers—a sizeable mistake; 2) in FY 64 the Navy had 104 attack submarines. In FY 75 they will have 77. That's a decrease of 27 attack submarines rather than "three times as many." It is very difficult to discuss rationally differing views when such distorted facts are employed.

They talk about the reduction of ground divisions from 19½ to 16 (including Marines) as resulting from a shakedown from the Berlin buildup and the change to a 1½ war strategy. There is no comment or recognition of the vast buildup and subsequent reduction for the longest war in our history. Nor is there any indication (with the exception of a minor mention of the increase in helicopters) that any changes in strategy, threat or commitment have come about in the last ten years.

The authors strongly recommend eliminating our military presence in Korea, Thailand and elsewhere in Asia to the tune of 125,000. They erroneously state that we have 181,000 troops in Asia. The actual figure was 159,000 at year end. This would leave about 34,000 based on 31 December 1973 troop figures. They say that this figure "would be more than ample to provide stabilizing evidence of continued American interest" in this whole area of Asia, east of India, which contains two-thirds of the human race. It might to the authors, but it certainly wouldn't to the Asiatics.

As one would anticipate, the authors similarly espouse early and significant withdrawals from NATO. Even Congress has backed off decisively from this approach as a result of exhaustive studies made by Congressional committees, not by the Defense Department.

The Reserve Forces are considered next. There the authors parrot much of the same line written some months ago by Martin Binkin in his discredited Brookings Report. The authors embrace totally the short war theory and display a considerable lack of understanding of our total force defense structure. Their modest recommendation is to cut the Reserve forces by two-thirds. As the Congress has already indicated clearly, such specious recommendations will receive no informed support in the Congress.

There is a variety of recommendations to slow the procurement of weapons. They recommend cancelling AWACS, halting the F–14 program, stretching out procurement of nuclear attack subs, suspending new tank development and stretching our procurement of DD–963 destroyers (which they call "oversized and rapidly obsolescing,") and to slow procurement of the patrol frigate.

Their reasoning in this area is equally specious. Their reading of the Mid East war is that it casts doubts about the usefulness of the tank in that kind of environment. Whereas the reading of everyone else (including Congress) is that we should be building more than we can actually produce. As far as the new tank is concerned, it is being developed with the specific acquiescence of Congress under the injunction to avoid the problems of the previous joint effort with the Germans. But both Congress and Defense are in agreement that a new tank is needed.

The authors similarly abhor the plan to utilize personnel support spaces saved through reorganization to create more combat troops. The authors simply see no basis for increasing any segment of our defense structure. This despite all the evidence of increased threats which has been presented and acknowledged by big majorities in the Congress. Moreover, they express no understanding of the most important fact that it is under the umbrella of recognized strength and will that detente and other peaceful adventures prosper.

We have not previously commented on one aspect of the budget reductions which the authors have suggested and that is their assignment of arbitrary price tags to their suggested cuts. They make the statement, for example, that through the implementation of operating efficiencies, $4.0 billion could be saved. They then go on to recommend an across the board reduction of 15% of all support personnel—without any reference to requirements; what they do or how important their functions may be. Other suggested savings are equally illusory and irresponsible.

The authors are concerned with "grade creep" and address the subject as though the services were doing nothing about it. Substantial present on-going actions are ignored. The same is true of their suggestions that tours of duty be stabilized for longer periods, an action the services have had underway since 1969.

Then you come across another of their gratuitous statements for which there is no basis: "Given the fact that major conventional wars are likely to be short, support forces geared for sustaining long term combat should be reduced." No authority for such a premise is given. We know of no one of any stature who subscribes to it.

The authors enunciate a basic strategic nuclear policy that has not been feasible since the days of John Foster Dulles and our nuclear monopoly: "The basic principle of U.S. nuclear forces since even before our nuclear monopoly was broken has been the absolute deterrence of nuclear war by maintaining an ability utterly to destroy an attacker even after absorbing the worst possible first strike." They go on to imply that the suggested programs to develop a counterforce capability, I.E. to target more military targets with less reliance on population centers, are not needed and their approval would be a dangerous mistake. Secretary Schlesinger pointed up very carefully the need for greater options in light of the growth in capabilities possessed by other powers. To point up the error of the paper under discussion, consider this statement by Secretary Schlesinger: "These additional options do not include the option of a disarming first strike. Neither the USSR nor the United States has, or can hope to have, a capability to launch a disarming first strike against the other, since each possesses, and will possess for the foreseeable future, a devastating second-strike capability against the other." In the House, Rep. Abzug (D-NY) introduced an amendment that sought to prohibit the use of funds for research and development to build counterforce capabilities. It was defeated by a recorded vote of 37 ayes to 370 noes.

The authors would eliminate all the counterforce programs from the budget. Their actions, of course, would virtually eliminate any hope of meaningful SALT negotiations, for if we agree to embrace inferiority voluntarily, there is no reason for the Soviets to negotiate. Fortunately, the Congress met this issue head on and defeated it by a substantial margin.

In attacking expenditures for the Trident submarine, the authors are again using bad figures. They claim that the Trident submarine will cost "$1.3 billion or more per boat." The facts are that they read the wrong line on the budget sheet. The amount in the FY75 budget for two boats is $1.381 billion.

The authors strongly support the proposed new missile sub using the Narwahl reactor. The Senate Armed Services Committee deleted funds for this program for next year terming it premature. The paper also proposes stopping the B–1 bomber program entirely and to begin work on a "follow-on B–52 bomber which could use the standoff air-to-surface weapons now under development." This suggestion, too, was defeated by a wide margin.

The authors will find a more receptive audience for their suggestions in cutting mili-

tary aid to South Vietnam. This short-sighted policy negates much of our great effort in that area and even more importantly, breaks our agreement with the South Vietnamese. Apparently, the authors perceive no future U.S. interests in the whole broad spectrum of emerging Asia—an area that promises to be our biggest economic market in the future.

As far as other military assistance programs are concerned, the authors are willing to concede that some of them are "in the interests of peace and national security" but "the bulk of the proposed program contributes to neither." Since this opinion is not documented, it can scarcely be given more than passing notice.

The principal recommendation of the paper is that "Congress establish a ceiling on the total military budget each year." They then go on to suggest a variety of ways that Congress should "get control of the military budget." They make it sound like some sort of a contest rather than the very serious matter of our national survival. Apparently they are not aware of the present legislative process. Any Secretary of Defense or Service Chief would tell you just how much control Congress already has over the military budget and the close scrutiny they give to the various programs.

The total impact of their paper on our defense establishment will not be great primarily because it is a superficial work full of errors in fact and judgment. But it is a paper that has to be answered because it is used as authoritative information by those who would emasculate our defenses. It adds a further burden to the services, for they are put in the position of trying to respond to frequently false accusations. Moreover, the proponents of these counterproductive actions are unremitting and must be answered regularly. The dedication of these social welfare advocates must not be underestimated, for their dedication is not matched by the understanding and perception of the real world in which we live.

AUSA and like-minded organizations must take every opportunity to refute these proposals and emphasize their very fundamental errors in fact. In the Washington climate, it is one of our more important tasks. Truth is not a matter of judgment.

INDEXATION: A NEW WAY TO DEAL WITH INFLATION

Mr. MANSFIELD. Mr. President, as we are all aware by now, inflation is on a worldwide binge. The Congress is doing nothing; the administration is doing nothing. The people wait and we are all found wanting.

Administration spokesmen have done all they could to encourage inflation through lifting wage and price controls under phase II a year ago last January; through making statements that "the people" are responsible for inflation, and also stating that a recession would be a good thing for this country at this time. They are blaming the people when they should be blaming themselves. They are talking about the need for a recession when they should be doing everything possible to avoid one. They talk about controls now on a "maybe" basis, even though controls were taken off when they were working effectively.

I have introduced legislation seeking to establish a dialog based on the concept of what has come to be known as the Brazilian Index Plan. While it has been so named because of its use, most recently, in Brazil, I would point out that it is an old American plan which has been in operation in this country for some years and whose origin goes back many decades.

In order to, hopefully, bring about a dialog on this and related economic matters, and in an effort to cope with runaway inflation, I ask unanimous consent that an article which appeared in U.S. News & World Report of July 8, 1974, entitled, "Indexation: A New Way To Deal With Inflation?" be printed in the RECORD.

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

INDEXATION: A NEW WAY TO DEAL WITH INFLATION?

(From top authorities come answers to questions on topics in the news)

At a time of inflation, people more and more are seeking ways to protect themselves against rising prices.

Labor unions are getting escalator clauses in contracts to boost pay automatically when the cost of living goes up. Congress has voted similar escalation for people who depend on Social Security benefits, food stamps and federal pensions.

So far, these safeguards against the penalties of inflation are available only to about a fourth of the American public. But a proposal for covering just about everyone is getting a lot of attention. It is based on Brazil's decade of experience with something called "indexation." The idea has provoked many questions.

First of all, just what is "indexation"?

In the broadest sense, it means adjusting wages and salaries, the face value of life insurance and other assets, interest rates on loans, and even income taxes according to the trend of prices. Then the Government is supposed to do a better job of fighting inflation.

How successful has it been in Brazil?

The record, over a long period of years, looks pretty good. Brazil's cost of living, which was going up at a rate of about 90 per cent a year in 1964, when indexation was adopted on a fairly large scale, had an upward tilt of only about 15 per cent by late 1973. Since then, however, the rate has doubled. Brazil, even with this system—sometimes called "indexing"—has much more inflation than the U.S.

Then what is the big argument in favor of it?

Many analysts believe indexing eliminates some of the worst inequities caused by runaway inflation. And, they add, the plan has made it easier for the Brazilian Government to use conventional methods to slow the price rise.

Does the plan mean every worker would keep up with inflation?

In theory, yes. Wages, salaries, pensions and other income payments could be raised automatically by the same percentage that prices rise. If the consumer price index advanced 1 per cent a month, wages would go up 1 per cent, too. Something like this already is written into many U.S. labor contracts. However, the automatic wage boosts lag behind the price increase and frequently are less than dollar for dollar.

Senate Democratic Leader Mike Mansfield, of Montana, is backing a bill that would force employers generally to raise workers' pay at least once a year to make up for purchasing power lost through higher prices.

How does that work in Brazil?

The Government hikes the minimum wage each year to reflect past and projected inflation and to take account of gains in productivity. Private bargaining over wages starts from that base.

Even so, wages have risen substantially less than the cost of living in all but two years since 1967. In effect, Brazilian workers have had to take a cut in real income as a contribution toward reducing the inflationary pressure.

What are some other ways in which indexing could be applied?

Adjustments could be made on a regular basis in payments on mortgages, rents, bank deposits and debts of all kinds. A person who lets his doctor's bill go unpaid for too long might have an inflation premium tacked on.

How would indexation affect bond holders?

Suppose you have a $10,000 bond paying 8 per cent interest. If prices rise 10 percent in a year, the amount you are entitled to get when the bond matures might be boosted to $11,000. And your interest payment of $800 a year might be raised to $880.

Would the tax system be affected?

Probably. At present, because of graduated rates, a person's federal income tax frequently goes up faster than his dollar income—and much faster than his real income in a time of depreciating dollars. Adjustments in the tax brackets could minimize this problem.

Taxable earnings of corporations would also be adjusted to reflect price changes. As replacement costs go up, companies would be allowed larger deductions for depreciation. Profits merely reflecting the impact of price increases on inventories would be discounted for tax purposes. As a result, the Government, which usually has a big hand in causing inflation, would no longer be a major beneficiary of it.

What are the drawbacks to the idea?

First, most authorities agree that an all-encompassing system would be too complicated. But any limited system is likely to help some people more than others. Too, a large bureaucracy would be needed to collect data and administer the plan. And there would be very difficult decisions to make: What measure of inflation should be used? At the outset, should a special adjustment be granted to people who have fallen furthest behind in the inflation rat race?

Broad objections are raised by a number of economists: Indexation, by making it easier to live with inflation, might remove much of the incentive for curbing it. And any development that tended to raise costs unexpectedly—a bad crop year or another Arab oil embargo—would spread more swiftly than ever through the economy.

Says one economist: "It would be like throwing in the towel on inflation."

Does that mean that the plan is out of the question?

No. If inflation continues at a swift pace, indexing will probably continue to spread gradually, as a palliative for one unhappy effect after another. If the trend goes far enough, the U.S. could end up someday with a very widespread system of indexation.

MORTGAGE CREDIT CRISIS

Mr. MATHIAS. Mr. President, in the past week, it has been announced that several banks are raising their prime interest rate to a new alltime high of 12 percent. This news comes as a staggering blow to homeowners and homeseekers throughout the Nation who have already been terribly hard pressed for the past year in their efforts to buy or sell a house.

In short, the situation with respect to the availability of mortgage credit is clearly going from bad to worse, and shows little sign of easing in the foreseeable future. This has ominous implications, for home buyers and sellers alike, for thrift institutions and realtors, and for the housing industry generally.

As we search for a solution to this problem we face a familiar litany of obstacles:

Galloping inflation, which not only drives up the cost of housing construction itself, but also destabilizes the economy generally, seriously undermines the value of the dollar, and produces reactions ranging from caution to terror in mortgage lenders who face the prospect of tying up substantial assets in long-term mortgage loans.

Soaring interest rates, which make money terribly scarce, and what money there is, terribly expensive to borrow. With the prime rate now at the astronomical level of 12 percent, what moderate income family can afford a conventional mortgage on anything more substantial than a pup tent, much less find a lender with any money to lend?

A mortgage credit shortage for which the oft-overused term "crisis" is but an understatement. This necessarily hits the moderate-income market the hardest—families not poor enough to qualify for Government subsidy programs, what few there are, and not rich enough to compete for the precious few conventional mortgage dollars which are available at recordbreaking interest rates.

Given the very close relationship between the supply of mortgage money and the rate of new home construction and resale, it should come as no surprise that housing construction for middle- or moderate-income families has virtually ground to a halt. Families fortunate enough already to own a home find themselves with a frozen asset—perhaps appreciating in value, but unable to be sold in the absense of financing for the purchaser. Families in search of a new home are relegated to a kind of grand-scale musical chairs—with far more potential buyers than the supply of mortgage money can support.

And in the background, a substantial portion of the enormous productive capacity of our housing industry lies dormant—eager to serve the community's housing needs, but unable to secure the financing or make the profits which are so essential to its survival.

In sum, the challenge we face is a stiff one—but it is not insurmountable. It will require the dedication, commitment, and cooperation of all of us—in business and Government alike, and among all our citizens generally.

To begin with, in Government, we must bring raging inflation under control. The seeds of today's inflation have been sowed and nurtured by too many years of runaway Government expenditures. For my own part, I am pleased that the Senate Appropriations Committee, on which I serve, succeeded in trimming budget requests under our jurisdiction by more than $3 billion last year—and I am hopeful we can do even better for the current fiscal year.

Nevertheless, Government spending is still difficult to control by Congress as long as our committee structures and procedures encourage massive "back-door" spending programs which do not pass through any one central unit such as the Appropriations Committee. Having chaired special hearings on this problem before the start of this Congress and sponsored legislation to make the needed reforms, I am gratified that legislation incorporating many of my major proposals, S. 1541, has been passed by both Houses of Congress and is now awaiting the President's signature.

This can be among the most significant legislation enacted by Congress in many years.

Second, we must put an end to the practices which in effect make housing the whipping boy of our economy—punishing the housing industry—and home buyers—for the excessive spending which has gone into other industries. The most typical current cycle is that when the rest of the economy heats up, pushing up interest rates, the housing industry is the first to be hit.

Therefore, the Federal Government must take affirmative steps to stimulate the housing sector of our economy without adding fuel to the inflation which rages in the rest of the economy as a whole.

Some preliminary steps in this direction have already been announced by the President or are now pending in legislation before Congress, including:

The President's recently announced expansion of the "Tandem Plan" to cover FHA/VA mortgages for 100,000 new housing units at 8 percent, and other steps to buy up conventional mortgages and advance funds to thrift institutions at below-market rates.

The Omnibus Housing and Community Development Act passed by the Senate in March, S. 3066, which includes provisions to make FHA mortgage ceilings and interest rates more flexible, and to ease the down-payment requirement for FHA-insured mortgages. The House-Senate conference on this legislation is scheduled to begin tomorrow.

Federal Deposit Insurance legislation, H.R. 11221, which includes a number of provisions designed to help ease the current tight money situation, and which we passed in the Senate last month. That bill, too, is now awaiting a House-Senate conference.

EMERGENCY HOME FINANCE ACT OF 1974

All of these approaches are necessary starting points—but alone, they still will not likely be sufficient to cope with the crisis we face. For this reason, I am pleased to have joined the distinguished Senator from Massachusetts (Mr. BROOKE) in sponsoring S. 3436, the Emergency Home Finance Act of 1974.

This bill is designed to increase the availability of mortgage credit for residential housing, by creating a special $5 billion National Housing Trust Fund for direct Government lending of mortgage money, through FHA-approved seller services such as savings and loan associations and mutual savings banks. These loans would be made in those areas where the Secretary of Housing and Urban Development determines that mortgage credit is not available on reasonable terms.

I am happy to learn that hearings on the Brooke-Mathias bill have now been tentatively scheduled by the Housing Subcommittee of the Senate Banking Committee for August 6 and 7. It will be my privilege to offer testimony at these hearings, in the hopes that the Senate will move swiftly and decisively to deal with the current mortgage credit crisis which plagues us. In addition, I hope to be accompanied at these hearings by a number of Marylanders who will offer their first-hand testimony as to the trials and tribulations they have faced in the frustrating search for home mortgage credit in my home State.

At this time, Mr. President, I would like to conclude by commending to the attention of my colleagues the first installment of what appears to be an excellent series of articles by James L. Rowe regarding the crisis we now face in providing housing and mortgage funds in this area and throughout the Nation. Mr. Rowe's article, entitled "Fund Crunch Hits Housing Once Again," appeared in the Washington Post of July 7, 1974.

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:

FUND CRUNCH HITS HOUSING ONCE AGAIN

(By James L. Rowe, Jr.)

Interest rates have skyrocketed to record levels, mortgage funds are drying up and the home building industry is close to chaos.

While the situation seems more tense than usual, the current housing crunch is only the latest installment in a saga that has been played out four times in the last eight years.

When the Federal Reserve Board tightens its monetary policy and allows interest rates to rise to fight inflation, those high interest rates invariably choke off home buying and new-home building before they batten down prices.

Although most companies face dislocations because of ups and downs in the business cycle, those associated with the housing industry of late seem to be particularly volatile. Home sales are dependent on the availability of financing and the cost of that financing. It is the rare consumer who can buy a home without taking out a mortgage loan.

When interest rates rise, as they are now doing, home buyers are discouraged—not only by the high cost of money—but by its scarcity. Savings and loan associations, which make more than half of the home loan mortgages, discover that, during periods of high interest rates, the flow of new deposits slows substantially and, in some months, customers actually withdraw more money than they put into their accounts.

The Department of Housing and Urban Development estimates that the amount of money available for home loan mortgages fell to $14.8 billion in the first three months of the year from $15.5 billion during the last quarter of 1973. "It's safe to say it fell further during the second quarter," said HUD housing specialist Rudy Penner.

Scarce money first strikes at buyers and sellers of older or previously occupied homes. Before they break ground, new-home builders generally get guarantees from a savings and loan or bank that there will be money available for qualified buyers when the homes are built.

But buyers of older homes cannot go looking for financing until they have found the home they wish to purchase. Today, those buyers face not only high interest rates but financial institutions reluctant to make loans because they are husbanding their funds to make good on commitments made to builders months or even years before.

"We've pretty much been out of the market since last July," said Henry L. Bouscaren, senior vice president of National Permanent Federal Savings and Loan, the area's second biggest S&L.

Serious home buyers, when they can find an institution willing to lend them money, are often faced with interest rates of 9 or 9.5 per cent and down payment requirements of 25 or 30 per cent. It becomes even harder to find loans in states with usury laws that put ceilings on the amount of interest a home buyer may be charged.

Maryland just raised its usury ceiling from 8 to 10 per cent and the District of Columbia is contemplating a similar change.

In addition to scarce money and rapidly rising interest rates, home buyers are shying off because of rapidly rising prices both for previously occupied homes and for new homes.

It is mainly because of the financial obstacles that the homebuilding industry is in its worst shape for decades, according to the chief economist of the National Association of Home Builders, Michael Sumichrast.

One sign of this is the sharp increase in construction firm failures for the first four months of this year to 580 from 433 last year, according to Sumichrast. The impact of those failures totalled $150.8 million compared with $101.1 million in 1973.

Nationwide, builders have 449,000 unsold homes and, as long as prices and interest rates are high, they will have trouble whittling that number down.

Builders, who were starting units at an annual rate of 2.33 million in May 1973, slowed to a 1.45 million pace last month, according to Commerce Department figures. Moreover, building permits, an indication of future housing starts, tapered off to a 1.055 million annual rate in May, down substantially from 1.838 million in May 1973.

The dropoff reflects not only the high inventory of unsold homes, but the inability of savings and loans or other financial institutions to guarantee builders that they will finance purchase of the homes when completed.

The gyrations of home building add other innumerable costs to the economy that are hard to calculate. For example, when skilled laborers take nonconstruction jobs during bust periods, they are often lost to the permanent home-building labor force.

The ups and downs of the housing industry are caused in part by the same factors that produce other industries' good and bad periods. But the normal cycles of the industry are sharply magnified because the builders rely so heavily on financing from the savings and loan industry.

Savings and loan associations, whose assets are primarily tied up in long-term mortgages with fixed interest rates, find themselves ill-equipped to pay competitive rates on deposits during periods of rapidly rising interest rates.

When interest rates zoom, as is now the case, S&Ls have to hold off making new mortgage loans because of the trailoff—and sometimes net decline—in deposits.

According to the United States League of Savings Associations, S&Ls had a net decline in deposits of $204 million in April and a gain of $350 million in May. Early indications are that the S&Ls fell back into a net outflow situation in June.

So far this year, the gain in deposits is 30 per cent below last year's and mortgage loans made by those institutions are off by 20.4 per cent.

Mutual savings banks have lost even more deposits than savings and loan associations.

The Nixon administration has proposed a plan, based on a 1971 report of a Presidential commission, to solve the problems by substantially overhauling the nation's financial structure. But even if the administration's plan would work, it is a long way from fruition.

In the meantime, the effects of tight money on the mortgage market present economic policy makers with the dilemma of how to fight inflation by concentrating on high interest rates without simultaneously upsetting the critical and politically sensitive housing sector.

Arthur F. Burns, whose Federal Reserve Board is primarily responsible for pursuing higher interest rates to fight inflation, told reporters in a rare press conference last April that combatting rising prices is more important than the "fortunes of home building."

The government knows that it cannot sit by and do nothing: the housing lobby is too well organized for that.

The Federal Home Loan Bank Board, which regulates the savings and loan industry in much the same way the Federal Reserve system oversees the nation's banks, has been lending money to S&Ls to help replace the deposits they have lost.

In total, according to bank board chairman Thomas R. Bomar, the system has $17 billion in loans (called advances) outstanding to S&Ls.

The Nixon administration also has announced a special program designed to inject $10.3 billion in various ways to help ease the crunch.

Rick Sullivan, an official of Page Corp., an area builder, said his firm has been able to make use of some of that money promised by the administration. The program that Page, a subsidiary of U.S. Home Corp., uses is a $3 billion commitment by the Federal Home Loan Mortgage Corp. designed to permit home builders to "start houses with confidence."

The FHLMC guarantees that it will buy the mortgage from the S&L which makes the loan up to 12 months from the date the S&L makes its commitment to the home builder. In a sense, then, the savings and loan association acts as a broker.

Sullivan said that, while his sales are not suffering terribly, purchasers are averse to paying 10 percent for a mortgage. Many savings and loan associations are making it tougher for potential home buyers to "qualify" for a loan, he added.

Sullivan said his company, which builds "starter homes" aimed at young couples, can utilize the special mortgage corporation program because nearly all the mortgages are under the $35,000 ceiling specified by the government. Page built the Cinnamon Tree complex of homes in Columbia, Md.

Other builders, selling more expensive homes, cannot be guaranteed the financing under that program because of the $35,000 limit. They are not beginning new projects.

Most projects, however, have guaranteed financing now, although new projects are having their difficulties. Purchasing a home that is already occupied is getting close to impossible.

Lack of financing has transformed many a would-be seller into a reluctant landlord, often renting his home to the very person who would buy it if mortgage money were available.

"When someone comes to me and tells me he wants to sell his house, the first thing I ask him is if he needs cash," said an official of Shannon and Luchs, a major area real estate firm. If he is moving into an apartment, "I suggest that he finance" the buyer himself.

The situation of a Washington professional who could get normal financing neither for the house he bought nor for the house he sold is illustrative. He became the "reluctant" financer of the couple which bought his house just as the retired chemist he purchased his new house from financed him.

He bought a $68,000 house in Northwest Washington and sold his $57,000 house on which he had $17,300 remaining to pay off on his mortgage. The chemist wanted a down payment of $15,000, a lower one than normal.

After cashing in $2,500 in mutual fund shares and taking out $3,000 in savings, the professional needed $9,500 for the down payment plus $17,300 to pay off his mortgage. He found a couple who put together enough between their savings and loans from their families to come up with nearly half of the $57,000 purchase price. He is financing the rest at 8 per cent interest, the legal limit in the District.

"It was hairy getting down to closing day," he said. "Trying to figure out all your money, to make sure you were getting enough. I had to learn a lot more about real estate financing than I ever wanted to know."

In some sense, he was luckier than most who try to finance their homes. He found a couple with more than $25,000 who was willing to buy a $57,000 house.

"Most people with $25,000 or $30,000 to put down are looking for a $100,000 or a $125,000 home," one real estate agent said. "It's a real scramble to find financing. It used to be if you sell one, you settled one. Now you may sell two, but only settle one because the other one cannot get financing. We're having to work a lot harder."

As a result, homes are remaining on the market for weeks or months, when, two years ago they would have been sold in several weeks.

"We tell 50 people a day that we can't make them a loan," said an official of another major S&L. "We won't make any commitments to home builders and we're scrambling for money to make sure we honor commitments we already made."

INVITATION FOR PUBLIC COMMENT ON TAX LAWS AFFECTING PRIVATE FOUNDATIONS

Mr. HARTKE. Mr. President, the Subcommittee on Foundations has held several days of hearings to take testimony on matters affecting private foundations. Because of the wide interest which this subject has, I have asked that the public be invited to submit written comments on two provisions of the Internal Revenue Code which are of significant interest to the foundation community—the 4-percent excise tax on private foundations and the minimum payout rules which apply to private foundations. Written comments are to be submitted to the Senate Finance Committee office no later than July 26.

Mr. President, I ask unanimous consent that the text of the press release inviting written comments be printed in the RECORD.

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

FOUNDATIONS SUBCOMMITTEE INVITES WRITTEN COMMENTS ON 4-PERCENT EXCISE TAX AND MINIMUM DISTRIBUTION REQUIREMENT

The Honorable Vance Hartke (D., Ind.), Chairman of the Senate Finance Committee's Subcommittee on Foundations, today invited written public comments for the record on sections 4940 and 4942 of the Internal Revenue Code. The two provisions impose a 4-percent excise tax and a minimum distribution of net investment income requirement on private foundations.

Senator Hartke noted that the Subcom-

mittee had taken testimony on these two subjects in hearings held in 1973 and earlier this year. In light of the number of requests which the Subcommittee has received to make comments on these two sections of the law, the Subcommittee will invite those interested to submit formal written statements which will be included in the Subcommittee's hearing record.

Those wishing to submit written statements should submit their comments no later than July 26, 1974, to Michael Stern, Staff Director, Senate Finance Committee, Room 2227, Dirksen Senate Office Building, Washington, D.C. 20510.

Copies of the 1973 and 1974 printed hearings held by the Subcommittee on Foundations are available in the Committee office, Room 2227, Dirksen Senate Office Building; written requests for either document should be accompanied by a self-addressed return label.

SARAH CALDWELL

Mr. BROOKE. Mr. President, overstatement is the language of politicians. Those of us who are its practitioners gravitate to hyperbole—to emphasize a point, to dramatize our arguments, to alert the electorate to danger or opportunity.

We daily court and encounter a little bit of the problem which finally caught up with the boy who cried "wolf."

I am especially mindful of my profession's vice when I write or speak about Miss Sarah Caldwell.

The superlatives—to those who are unfamiliar with her work—may seem to be typical politician's puffery.

Not so.

She is a genius. Her work is inspired. She brings life, light, and lyricism to opera as no other American has or can.

Boston is her home. Sarah Caldwell is Boston's pride.

I have been privileged to work with her and her opera company of Boston for more than a decade. As her friend, as one who shares her love of opera, it is a special pleasure for me to insert Time magazine's latest toast to Sarah Caldwell in the RECORD.

Mr. President, I ask unanimous consent that the article be printed at this time.

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

BARBER OF BOSTON

Sarah Caldwell is that kooky, rotund lady in Boston who thinks she knows how to put on opera. Sarah is forever racing round town, scrounging money from her merchant friends to pay off some irate truckers or meet an impending payroll. A woman possessed, and sometimes distracted, by her mission, she once drove home in the wee hours after an exhausting rehearsal, discovered for the umpteenth time that she had lost her keys, checked into a nearby motel for a quick snooze, then walked out and forgot to pay. Her mother recently offered her $1,000 in cash if she would only get her hair done for an opening night; Sarah had no time. She would be the despair of all her friends and colleagues, if they did not love her so.

They love Caldwell because she does indeed know how to put on opera. As a producer and director, she has long since proved her wit, good taste and knack for motivating stage people. She has also emerged in the past few seasons as an uncommonly gifted conductor who waddles to the podium through the audience (there is no other approach in Boston's Orpheum Theater, an old vaudeville and movie house), slumps down into a canvas director's chair, then cajoles the dickens out of her pickup orchestra. All these talents were in evidence last week as Caldwell's Opera Company of Boston concluded its 16th season with Rossini's *The Barber of Seville*.

WAR HORSE

The Barber of Seville? What is Sarah Caldwell doing with a war horse like that, when she could be scoring musicological points by dredging up, say, Cornelius' *The Barber of Baghdad?* She is doing what any savvy impresario would do—playing to her strength. When a loyal Caldwellite like Beverly Sills is willing to sing her first Rosina, and that master of operatic disguise Donald Gramm is equally eager to sing Bartolo, the savvy thing to do is put on *The Barber of Seville*.

Beyond such essentially show business concerns, Caldwell was operating on the premise that beneath the breast of the war horse beats the heart of a thoroughbred. *The Barber* ranks as a 19th century *buffa* masterpiece because its music is so innately ingratiating and so illustrative of both character and comic situation. Figaro's patter aria *Largo al factotum* ("Feeegaro! Feeegaro!") quickly defines him as one of the most likable hustlers in all opera. Rosina's *Una voce poco fa* is a song of such poise and bravura style as to remove all doubt that she will get her man, Count Almaviva.

It is Caldwell's special gift to trust the music and take its humor seriously. Her gags never intrude on purely musical moments, but when they come they are fresh and funny. Figaro enters not from the wings but from the audience, beginning the *Largo al factotum* at about row S. In the lesson scene Rosina hits a high C and the glass in Bartolo's hand shatters. During the Act II storm, Bartolo's hat and umbrella are swept skyward by the wind (on a wire, of course).

COCKTAIL CHATTER

Soprano Sills has spent so much time lately portraying tragic Queens and nutty ladies that one tends to forget that she is a comedienne too. Her double takes, sarcastic gestures, needling glances and knowing swoons would be a scenario all by themselves, were it not for the fact that all the while she is tossing off virtuoso vocal *fioriture* as though they were cocktail chatter. The Figaro of Baritone Alan Titus is a suave quickstepper, lacking only the vocal weight and heightened authority that should come when he adds to his 28 years. The Bartolo of Bass-Baritone Gramm, 47, lacks nothing at all. It is a compendium of wit, slapstick, humanity and *buffo* style.

In short, another triumph for Sarah Caldwell. Without question she is the most adventurous producer of opera in America today. Schoenberg's *Moses und Aron* and Luigi Nono's *Intolleranza* are but two of the works she has given U.S. premieres. This season she conquered the musical and dramatic predicaments that abound in Prokofiev's four-hour epic *War and Peace*. Her *Barber of Seville* suggests that she may not be just the most courageous all-round talent in American opera but the best. When is Boston going to get her out of the Orpheum and give her the permanent home she deserves?

TECHNOLOGY RESOURCES SURVEY AND APPLICATIONS ACT

Mr. MOSS. Mr. President, an editorial in the July 1 Washington Post concludes:

We cannot arrest rapidly advancing scientific and technological developments. The question is whether these developments carry with them side effects or by-products that are destructive or benign. No President can know this without the best continuing analysis and advice, close at hand.

On July 27 Senator MAGNUSON introduced, for himself, myself and Senator TUNNEY, amendment No. 1537 to S. 2495, the Technology Resources Survey and Applications Act. This amendment will establish a focus for science and technology policymaking in the executive branch. It will provide the President with the "best continuing analysis and advice, close at hand." It will, moreover, provide an effective mechanism for long-range planning in science and technology.

The characteristics of this bill will be highlighted on July 11 when former presidential science advisers will testify on S. 2495.

For the benefit of those concerned with Federal policy on science and technology, I ask unanimous consent to print in the RECORD the July 1 Post editorial, "Science in the White House."

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

SCIENCE IN THE WHITE HOUSE

Worldwide drought and famine, the unsettling economic consequences of the continued energy crisis, problems of over-population, meteorological change—these are just some of the prospective byproducts, as it were, of the sudden advances science and technology, engineering and medicine have made in the past century or so. We can't stop this progress. On the contrary, it has become increasingly clear that only more progress in science and technology, engineering and medicine can cope with the undesirable side effects of the progress that has already been made. We need more knowledge and know-how to keep this planet reasonably habitable. We also need a great deal more political wisdom to apply this knowledge effectively and cooperatively. And we need that wisdom on the highest levels of government and policy-making.

President Eisenhower was shocked into this realization back in 1957, when the Russians surprised him and the world by sending their sputnik into orbit. In response, he created the White House Science Advisory Committee and the post of science adviser to the President, which was ably filled by Dr. James R. Killian Jr., now honorary chairman of the Massachusetts Institute of Technology. At that time, the President needed to be informed on scientific and technological developments to maintain the nation's technological leadership. The emphasis was on military matters. Today, the President needs to be informed and forewarned to help avert a different order of potential disasters by the wise and humane use of technology.

President Nixon, however, abolished the Science Advisory Committee a year-and-a-half ago, and with it the whole machinery by which the White House and such policy makers as the National Security Council could draw on the advice and help of the country's science and technology. The President was apparently peeved that many scientists were loudly critical of the Vietnam War and opposed the supersonic transport program. Scientists consider it imperative, however, that their best judgment on matters within their competence, untainted by departmental loyalties and bureaucratic jurisdictions, be available to the chief executive.

To this end, a committee of 13 leading scientists and technological experts, headed

by Dr. Killian and working under the auspices of the National Academy of Science, last week urged the establishment of a Council for Science and Technology as a staff agency in the White House similar in size, power and scope to the Council of Economic Advisors. The new council of three eminent persons would seek the assistance of experts in and out of government. Its chairman would serve as a member of the President's Domestic Council and the group would participate in the work of the National Security Council. Beyond injecting scientific insights and early warnings on matters of military technology and arms control, the council would assist in the scientific and technological aspects of foreign policy that are becoming increasingly important in a global economy of scarcity. It would further work closely with the Office of Management and Budget in the allocation of research funds and evaluation of development programs. And it would submit an annual report through the President to the Congress to illuminate, within its field of vision, the opportunities and problems that affect the nation and the world.

The House Committee on Sciences and Astronautics, according to Chairman Olin E. Teague (D-Texas), is drafting a bill along these lines. Vice President Ford is said to be receptive to the proposal. So are a number of high administration officials. It is evident, however, that it is unlikely to be adopted under this administration if Mr. Nixon remains hostile to the idea, although the Killian committee concedes that "a given President may choose some other way (of placing science in the White House) more in accord with his style." The current President, moreover, has other things on his mind.

Yet, we agree with the Killian committee that thoughtful consideration and some orderly way of assuring science's service to government cannot be long delayed. We cannot arrest rapidly advancing scientific and technological developments. The question is whether these developments carry with them side effects or by-products that are destructive or benign. No President can know this without the best continuing analysis and advice, close at hand.

OIL IMPORTS ON U.S.-FLAG VESSELS

Mr. PACKWOOD. Mr. President, on June 27 the Senate Commerce Committee ordered favorably reported H.R. 8193, the Energy Transportation Security Act of 1974. As a cosponsor of a similar Senate bill, I was delighted with this action.

H.R. 8193 would require that a certain percentage of oil imports be carried on U.S.-flag ships. It would reduce our nearly complete dependency on foreign-flag vessels for our oil imports. Specifically, the bill requires that as of the date of enactment, 20 percent of the liquid petroleum and liquid petroleum products imported into the United States will be carried on U.S.-flag ships; 25 percent after June 30, 1975; and 30 percent after June 30, 1977.

There are a number of reasons why the Senate should pass this measure, but several of the most compelling arguments were presented in an editorial published in the Oregonian on July 1, 1974, Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

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

GETTING TANKERED

The Congress of the United States is about to put the nation into the tanker business in a large way, but the administration is resisting, arguing that it will only drive up the costs of imported oil.

If bills approved in a Senate committee and that have passed the House are enacted, the amount of oil hauled by U.S. tankers would be boosted from the current 5 per cent to 20 per cent and ultimately to 30 per cent.

This could mean more busines for Portland shipbuilders, but more important, the legislation would guarantee safer tankers for U.S. ports and oil docks. The bills would require double-hulled ships and separate tanks for hauling ballast water.

These and other requirements are not being met by much of the foreign fleet that visits U.S. shores. The separate water tank, already being built into tankers ordered by some U.S. oil firms, would prevent large quantities of oil from getting into ocean and sea waters. When ballast waters are flushed from the holds that have contained the heavy crude, thousands of tons of oil go into the ocean each year.

Tanker safety is of prime importance as the huge super-tankers inch toward the million-ton class. U.S. construction of tankers would guarantee that a large segment of the fleet visiting American waters would meet the stricter safety standards imposed by Congress and the Coast Guard.

Oil is a world commodity, and its costs may be due more to supply and demand factors, plus national policy, than to the operational costs of tanker fleets.

Congress clearly wants to get the nation into the tanker business where it can control safeguards. It is also in the national interest that America have control of more than the 5 per cent of world tanker shipping the U.S. firms now hold. Oil is too important to economic and military security to be left almost entirely in foreign bottoms.

THE COURT MOVES AGAINST THE OIL MAJORS

Mr. HUMPHREY. Mr. President, a July 2 article in the Washington Post discusses a U.S. district court ruling that requires major American oil companies to share their crude supplies with independent dealers. The court case was prompted by Exxon Corp. which had sought an injunction against the allocation program established by the Federal Energy Office.

The energy crisis has had many far-reaching effects on all of us. However, no one has been hurt more than the independent gasoline companies and the consumers. While the major oil conglomerates have earned exorbitant profits, many of the small refiners and gasoline marketers have been forced out of business, and the consumer pays in the long run for this lack of competition in the marketplace.

As chairman of the Subcommittee on Consumer Economics of the Joint Economic Committee, I recently held hearings on the plight of the independents during our energy crisis. As a result of these proceedings, I have introduced S. 3717 along with 20 of my colleagues, that would extend the Emergency Petroleum Allocation Act of 1973 until June 30, 1976. This petroleum allocation program is already being phased out by the Federal Energy Office. Something must be done now. We must protect the independent.

Competition in the oil industry is necessary if prices are to be kept down, and the only competition the industry has had historically has come from the independents. I want to remind my colleagues that with the extension of the Allocation Act, we are, in essence, protecting the consumer.

With Judge Aubrey E. Robinson, Jr.'s decision on the legality of the FEO's program, the door has been opened for further measures to protect the small oil companies.

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:

COURT RULES VALID OIL ALLOCATION PLAN

U.S. District Court Judge Aubrey E. Robinson Jr. yesterday refused to block federal regulations requiring major oil companies to share their relatively cheap supplies of crude oil with independent refiners.

In a brief order, Robinson rejected a motion by Exxon Corp. for a preliminary injunction against the mandatory crude oil allocation program established by the Federal Energy Office.

Exxon had argued that the allocations, authorized last winter by Congress, were unfair because they required the firm to sell low-priced oil to its competitors.

But Robinson said blocking the regulations would cause "irreparable harm" to the independent refiners. He added that Exxon had not shown any "substantial likelihood" that it would win its case at a full trial.

Under the federal regulations Exxon and 14 other major oil companies are required to sell specified amounts of crude oil to independent refiners.

The current allocation list covers the three-month period June-July-August.

If sales are not negotiated by July 8, the energy office said it would force the sales to be made promptly.

Judge Robinson's order leaves this deadline intact.

The allocations cover 83 million barrels of oil this summer, about 7 per cent of the amount expected to be used in the United States. They are vital to the independent refiners who would otherwise be forced to buy their oil at world market prices which are much higher than those for domestic U.S. supplies, largely controlled by the major firms. Those are still subject to price controls.

EXPORT-IMPORT BANK OF THE UNITED STATES

Mr. PACKWOOD. Mr. President, just before we left for the Fourth of July recess, the Wall Street Journal published an editorial critical of the functions of the Export-Import Bank.

This editorial has received wide play by its being introduced on a number of occasions in the RECORD by Members who, for one reason or another, oppose the Bank. Since we will be considering legislation to amend and extend the Export-Import Bank Act of 1945 very soon, I feel it is essential that the points raised by the Journal in its editorial be raised and countered.

Last Tuesday, Bill Casey, the Chairman of the Bank submitted a letter to the editor of the Journal in rebuttal of the points made in their editorial.

While I hesitate to call attention to the half-truths and misstatements in the

Journal's editorial, I think it best that the two articles be published together so the reader can draw his own conclusions. I remain as convinced as ever of the need for the Bank on today's highly competitive world trade scene. It occurs to me that Chairman Casey has summed up the difference very succinctly in his opening comments by pointing out that the Journal's editorial has succeeded in "elevating theory over the real world."

I ask unanimous consent that the Journal's editorial and Chairman Casey's reply be printed in the RECORD.

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

[From the Wall Street Journal, June 28, 1974]

A LONG LOOK AT THE EX-IM BANK

The authority of the Export-Import Bank expires today, which simply means that until Congress renews its authority the bank cannot make new loan commitments. How nice it would be if Congress took its time, say a year or two, before acting one way or another. It might even find that U.S. economic interests would be served by liquidation of the bank, which by our reckoning stays in business by sleight of hand and covert use of the taxpayers' money.

After all, the only thing the bank really does is subsidize exports. No matter how you slice it, it is a subsidy to provide 7% money to finance sale of a widget or an airplane to Ruritania or a computer to the Soviet Union, when an American businessman can't finance purchase of either for less than 11¾%. The bank gets privileged rates in the private capital market because the United States puts its full faith and credit behind the loans. Why the U.S. government should give the Ruritanian businessman a sweetheart deal that it won't give an American, save those at Lockheed, is beyond us.

The alleged economic justification for the bank's operation, which Ex-Im Bank Chairman William J. Casey pushes with great fervor, is that it improves the U.S. balance of trade. Granted, an export is an export. But Mr. Casey would have us look at only one side of the transaction. There's no way he could persuade us that wresting capital from Americans, then forcing it abroad through the subsidy mechanism, does anything but distort realtive prices, misallocate resources and diminish revenues, with zero effect, at best, on the trade balance.

Sen. Lloyd Bentsen of Texas sees part of the economics when both sides of the transaction are analyzed. He has an amendment that "would prevent Ex-Im financing of those exports involving the financing of foreign industrial capacity whenever the production resulting from that capacity would significantly displace like or directly competitive production by U.S. manufacturers." He has in mind Ex-Ims subsidizing of a foreign textile or steel plant that competes with its U.S. counterpart, to the detriment of our balance of trade.

Senator Bentsen thinks it's okay to subsidize finished products, like airplanes, which the Ex-Im Bank does plenty of. But Charles Tillinghast Jr., chairman of TWA, doesn't like the idea. He says TWA is losing piles of money flying the North Atlantic against foreign competitors who bought Boeing 747s and such with subsidized Ex-Im's loans. If TWA got the same deal, it would save $11 million a year in finance charges. Mr. Tillinghast is currently pleading for a government subsidy so he can continue flying the North Atlantic and providing revenues in support of, ahem, our balance of trade.

Even if Ex-Im Bank subsidized only exports of goods and services which could not conceivably come back to haunt us directly, we see adverse economic effects. Subsidizing the export of yo-yos to the Ruritanians gives them a balance of trade problem that they correct by subsidizing the export of pogo sticks to us. Taxpayers both here and in Ruritania are thereby conned by this hocus pocus into supporting lower prices for yo-yos and pogo sticks than the market will support. In fact, all our trading partners have their own Ex-Im Bank to achieve exactly this end.

Two and three decades ago, when the Ex-Im Bank was a modest affair, its impact was relatively trivial. Now, it has $20 billion of lending authority and is asking Congress to bump this to $30 billion. By 1971, its impact on federal budget deficits had grown so large that Congress passed a special act taking the bank's net transactions out of the federal budget, so the deficit would *look* smaller. But the transactions have the same fiscal effect as a deficit, and the same drain on the private capital market. In the fiscal year just ending, the bank took $1.1 billion out of the capital market. In the next fiscal year, it expects to take $1,250,000,000 out of it.

There being no economic justification for the bank, Congress should feel no qualms about letting its authority lapse for a few years to watch what happens. The Russians, eager to continue getting something for nothing through the Ex-Im Bank, would be mildly unhappy. But they'd adjust by getting into the private capital markets with the underprivileged. We'd be surprised, too, if our trading partners didn't follow suit by scrapping these nonsensical subsidies. And if they don't, why should we complain about their taxpayers sending us subsidized pogo sticks?

[From the Wall Street Journal, July 2, 1974]

LETTERS TO THE EDITOR

EXPORT-IMPORT BANK REPLIES

Editor, The Wall Street Journal: Your editorial "A Long Look at the Ex-Im Bank" (June 28) is a surprising departure from the Journal's record of factual analysis of economic realities.

Elevating theory over the real world, it advises Congress to leave thousands of American companies and 700 banks around the world hanging for "a year or two" before acting to continue the financial instrumentality which they rely on to finance $12 billion worth of American exports. This rather frivolous advice comes one day after a $777 million trade deficit was announced for the month of May. It comes a little more than a year after devaluation of the dollar arising from a 1972 trade deficit lower than May's deficit put on an annual basis. This had cost American consumers tens of billions of dollars in higher prices as we found it necessary to pay more for our imports and as the rest of the world discovered that it could take a larger share of our domestic output for every mark, franc, and yen spent here. What are the facts?

(1) American exports have to compete in a world in which other industrial nations appropriate taxpayers' funds to finance the sale of their products around the world. These competitor nations offer lower interest rates, finance a large slice of each export sale and back a larger portion of their total exports with government credit than the Export-Import Bank does.

(2) The Export-Import Bank meets this competition without requiring any appropriation of tax monies each year. It pays the Treasury an annual dividend of $50 million on $1 billion of stock the Congress authorized in 1945. In addition to having paid the Treasury an aggregate of $856 million in dividends, Eximbank has accumulated $1.5 billion in reserves.

(3) In speaking of subsidies, the Journal refers to the bank's 7% interest rate on its direct loans. It fails to mention that these direct loans constitute only 25% of its activities. The other 75% of its activities is entirely financed in the private market at commercial rates, with the aid of insurance and guarantees issued by the bank for a fee.

(4) The Journal's editorial is wrong in stating that the bank's transactions have the same fiscal effect as a deficit, and the same drain on the private capital market. Eximbank transactions are not analogous to the federal budget, they area analogous to corporate borrowing. The production of goods for export require financing so that Eximbank borrowing from the private market is not additional to what would have occurred for the same amount of production anyway. To finance $12 billion worth of exports, Eximbank borrows some $1 billion a year out of a total of $130 billion raised annually on the private capital markets to keep our manufacturers and their products on an even competitive keel in world markets.

(5) The Journal's editorial is wrong in stating that Eximbank's transactions have the same effect as a deficit. Unlike other federal expenditures, the disbursements of Eximbank do not require the appropriation of government funds and result in the acquisition of obligations which will return the money disbursed with interest which will support Eximbank's activities and return a profit to the taxpayer.

(6) On subsidies, where you stand and what you see depends on where you sit. If you sit in an ivory tower, you can find the subsidy element. If you are competing in world markets with European and Japanese manufacturers having aggressive financial backing from their governments, you see competitive financing as directed by Congress.

(7) Even from the ivory tower it might be recognized that the United States has found a way to give its manufacturers competitive financing without putting a bite on the taxpayers every year. It might also be noted that the taxpayers are not called upon to support some 400 employes of Eximbank engaged in fostering American interests in the world economy and that this compares with some 4,500 people performing comparable government financing functions for the industrial nations of Europe and Japan.

(8) The U.S. will have to increase its exports to meet the $15 billion increase in its annual oil bill as well as higher costs of other raw materials it needs. The structure of our economy is such that much of this will have to be accomplished through the sale of high-priced products such as nuclear reactors and jet airplanes and the building of large projects embodying expensive equipment to develop resources and overcome shortages around the world. Sales of this type can only be made with long-term financing. It is the sheer availability of this financing, rather than any subsidy element in the interest rate which is essential for America's competitive efficiency to be brought to bear on the developmental requirements of the world as well as on its own balance of payments problems.

(9) A great many countries under the impact of higher oil bills will be under pressure to curtail their buying and close their markets. This is no time to choke off an instrumentality which can contribute to the creation of the liquidity needed to keep the channels of world trade open.

(10) Other editorials in the Journal have recognized that in today's world, governments play a major role in guiding their national and international economies and that we no longer have the option to make

all economic choices through the free market. The Congress created Eximbank to promote exports and to provide a framework which stimulates producers to look at the world as their marketplace, just as the Congress decided to promote many other economic activities (e.g., home-ownership, corporate investment, pensions, etc.). Unlike others, Eximbank does not siphon either taxpayers' money or private capital away from providing public services and producing goods. Indeed it mobilizes capital to make possible the efficient and economic development and manufacture of products which make the United States effective in world economic competition.

WILLIAM J. CASEY,
Chairman, Export-Import Bank of the United States.

THE INTEGRITY OF SENATOR JIM ALLEN

Mr. SPARKMAN. Mr. President, I have received from Mr. J. Craig Smith, a very distinguished industrialist of Alabama, a copy of a letter which he has written to the editor of the Birmingham Post-Herald regarding my colleague, Senator JIM ALLEN.

I ask unanimous consent that this be made a part of my remarks and printed in the RECORD.

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

BIRMINGHAM, ALA.,
July 1, 1974.

EDITOR,
The Birmingham Post-Herald,
Birmingham, Ala.

DEAR SIR: Your front-page story implying that Senator Jim Allen may have been influenced by a number of contributions from individuals in the oil industry totaling some $39 hundred is ridiculous.

Senator Allen is fast becoming one of the outstanding Senators ever to serve in the United States Senate. His integrity is beyond question. It is quite difficult, in fact almost impossible, for one of his constituents even to buy him a lunch. He is one of the few men in public life who gives an annual public accounting of their personal finances. He is not for sale for $39 hundred or $39 million.

Sincerely,

J. CRAIG SMITH.

THE PATH TO VICTORY

Mr. HARTKE. Mr. President, I recently had the honor of delivering the keynote address at the Democratic State Convention which was held in Indianapolis. I ask unanimous consent that my remarks be printed in the RECORD.

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

THE PATH TO VICTORY

We begin this convention today in a time of crisis—a time when some of our most important institutions have ceased to function properly, and a time when a government we created to serve the people has instead been used to oppress the people. Two hundred years ago, our Founding Fathers were put to the test. They, too, felt oppressed by their government; they, too, knew what the evils of power and big government were.

We have come full circle in the past two hundred years, but our problem is one not of "taxation without representation." What we have today is a lack of leadership bordering on anarchy. The response of the administration in Washington to every important problem facing the American people has been a litany of failure.

Our Vietnam Veterans have been shortchanged. The Nixon administration says that it will cost too much to give them the same benefits veterans got after World War II. Is the sacrifice made by brave young men in the 1970's any different from the sacrifice their fathers made thirty years ago?

I say that it is not.

Four and a half million Americans are looking for jobs they can't find and millions more live in fear of losing theirs. The Nixon administration says that it will cost too much to provide the tax cuts that our economy needs to get going again. They say that American working men and women must pay the price of inflation so that we can get out of economic recession.

I say that they should not.

People can no longer afford to buy a new home unless they earn $18,000 a year or more and they can find a bank to give them a mortgage. The Nixon administration says that consumers will have to wait while big business reaps bigger and bigger profits.

I say that they should not.

Our tax system encourages American industries to locate overseas, depriving American workers of millions of jobs. The Nixon administration says that a fair trade system is a threat to the American economy and to free trade.

I say that it is not.

Our railroads stand in danger of collapse. The Nixon administration says that our communities in Indiana no longer need all the railroad track we have.

I say that they are wrong.

Rampant inflation has deprived Americans of the money they need to feed, house and clothe their children—money they have worked for. The administration says that the answer is tight money policies which make it harder for the consumer to borrow, which cripple the home building industry, and drive thousands of businessmen to the brink of bankruptcy.

I say that it is not.

In a country which once was beckoned by endless horizons; where we had all the wood we needed to build our homes, all the fuel we needed to run our factories, all the gas we needed to move our cars; where we once were sure of our future and our potential we are now plagued with shortages, yes shortages, of fuel, fertilizer, wheat, paper and lumber. The Nixon administration says that the answer is to let prices go higher and that when they get high enough people will learn to do without.

I say that it is not.

I think the people can do without the administration a lot easier than they can do without meat, bread and gasoline.

What the administration is telling us is that people just don't count any more. And that is where I differ with the most. People are what this country is all about and it is the people—the broad mass of people—whom our government should be serving.

That is the tradition of our great party and that is the platform we must take to the people in 1974.

I am not saying that there are any easy answers to the tough problems which plague our nation. But it is too easy to become mired in those problems.

I am not here today to console you. I am here to challenge you.

The American people do not expect you to come up with quick solutions—they have had too many promises of quick solutions. They do not expect bigger and better government programs—they have had too much government already. What they demand is that their leaders get down to work and grapple with their problems, rather than pretending that they will go away.

In his Parable of the Talents, Christ said that "Life requires courage and is hard on those who dare not use their gifts." Let us show the people that we have the courage to use our gifts. Let us demonstrate that we believe in the kind of government that responds to people's needs, not the kind of government that uses its power to spy on people or to get political revenge.

We Democrats believe in government doing FOR the people, not TO the people.

We are here today to prepare for victory. Are we willing to take the victory we are going to have this fall and make it an instrument for the benefit of the people?

I say we are.

We have an outstanding team of Democratic candidates:

We have Birch Bayh who has given his state and his nation such splendid service for 12 years in the United States Senate.

We have four incumbent Congressmen—Ray Madden, John Brademas, Ed Roush and Lee Hamilton—whose superb records in the House of Representatives have earned them each another term.

We have seven more congressional candidates—Floyd Fithian, Elden Tipton, Phil Sharp, Phil Hayes, Dave Evans, Andy Jacobs and Bill Sebree—who have the talent and ability to unseat their rivals and give this state better representation than it has ever had in Washington.

We also have outstanding leadership at the state committee in our new chairman, Bill Trisler, and people like Patty Evans, Ideal Baldoni and Joe Bannon, along with Katie Wolf, Dick Stoner, Dick Hatcher, Rozelle Boyd, and all the other dedicated central committee members.

But attractive candidates and a good state committee by themselves will not win this election. We cannot depend solely on the opportunities presented to us by the mistakes of the Nixon Administration. We cannot count on a brilliant showing on television or radio or in the newspapers.

What we need is a team effort.

After this convention, all Democrats must stand together. We must bear in mind all those common goals that unite us.

We have to organize for victory and that job is in your hands. You have to get down there in the precincts and talk to the people, listen to them, find out what is on their minds, see where you can help. They have to be registered to vote, helped to understand the issues, and then brought to the polls on election day.

People say precinct work is no longer important—that candidates can rely on slick public relations to get elected. Anybody who says that hard precinct work doesn't count just doesn't know what he is talking about.

We must win this election—it is important because the people who win in 1974 will play key roles in the fate of the state and the nation in the years to come.

We must win this election because we believe in responsive government. People are looking for leadership, from the White House down to the court house. They want leaders willing to strive to dare, to make decisions. As the Bible says: "The Kingdom is not entered by drifting, but by decision."

Our platform is out there, waiting for us to pick up the banner where others have faltered. We must overcome the fear of the future. We must overcome the suspicion that the people don't count any more. We must reestablish the people's faith in themselves and their pride in their country.

As you go from door to door in support of the Democratic ticket this fall, remember that the very political system of our country is on trial in 1974. We are being put to a harsher test—a more critical evaluation—than ever before in our nation's history.

Speak of the unfinished agenda, of the unfulfilled hopes which our Founding Fathers had 200 years ago that all Americans would

be able to live in freedom and prosperity, that each of us would have the opportunity to provide our families with a good home, a good education, good food, and all of the other ingredients which go into a decent quality of life.

We must speak of these unmet needs and demonstrate that we intend to set this country back on course, to take it from the pursuit of self interest to the pursuit of the common good. All of the speeches, and all of the press releases, and all of the campaign literature that will be produced in the coming campaign cannot equal the impact which each of you can have in your own neighborhoods and communities.

You are the vanguard of victory in 1974. And from the victory of 1974 will grow the victories of '75 and '76. We have the candidates and we have the track record. Together we can reawaken the hopes of our people and make the American dream a reality.

PUBLIC CAMPAIGN FUNDS

Mr. CLARK. Mr. President, on April 11 the Senate passed S. 3044, the Federal Election Campaign Act Amendments of 1974. That bill represents a significant and positive response to the public demand for an end to the private dollar's dominance of the political process.

This week the House of Representatives Administration Committee will finally report its version of the campaign reform bill. Unlike S. 3044, the House bill will have no public financing for congressional campaigns. Unlike S. 3044, the House bill will have no provision for a truly independent enforcement agency. And unlike S. 3044, the House bill, unless amended, will not meet the need to stem the erosion of trust and confidence in the political system.

Mr. President, the New York Times recently carried an editorial which expresses many of the concerns over the adequacy of the House bill. I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the New York Times, July 6, 1974]

PUBLIC CAMPAIGN FUNDS

After unconscionable delay—and with the obvious reluctance of leading members—the House Administration Committee appears to have made a major breakthrough. It has conceded the necessity for the use of public funds in the election process.

Unlike the Senate bill, the House proposal in its present form would sanction expenditure of Federal funds on a matching basis only for Presidential campaigns. For Congressional contests, private contributions and spending would continue to be the rule, although with severe ceilings. But enforcement of the law would be left in effect to Congress and its employes, which is to say, to the "club" itself. That formula for controlling excess spending and checking violations have proven virtually useless in the past. It will work no better in the future.

Watergate and its peripheral scandals have generated suspicion of the American political system, a system which cannot work well without a high degree of public trust. Representatives and Senators have for too long been obligated to private interests for helping them into office, with the lines blurred between what the euphemists call campaign gifts and the cynics call bribes.

The most honest lawmakers have had to bear the onus of this indefensible system. There has been no other way to meet the costs, mounting year by year, of making oneself known to the electorate initially and thereafter educating voters on the issues—a proper and in fact laudable purpose.

Public funds on a matching basis plus private contributions effectively limited and controlled is the formula for escaping from an historic political dilemma. If it is valid for the election of a President, it is valid for the election of a Congressman. The Senate has already approved. If the House Committee cannot bring itself to walk the extra mile, the House as a whole should do the walking when the bill comes before it.

A SERMON FOR MEMORIAL DAY SUNDAY

Mr. HARTKE. Mr. President, on Sunday, May 26, Raymond Shaheeen, D.D., pastor of Saint Luke Lutheran Church of Silver Spring, Md., delivered a most timely sermon calling attention to our American traditions.

This text, presented on Memorial Day Sunday, touches on all Americans, and I would like to share it with all my colleagues. His advice on what needs to be done to get back to the rules, including private morality, is particularly appropriate.

Mr. President, I ask unanimous consent that Pastor Shaheen's sermon be printed in the RECORD.

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

A SERMON FOR MEMORIAL DAY SUNDAY

". . . choose life that you and your descendants may live, loving the Lord your God, obeying His voice, and cleaving to Him: for that means life to you and length of days. . . ."—Deuteronomy 30:19–20.

This is not the sermon that I had originally planned to preach to you today. As you know, the sermons to be preached from this Saint Luke pulpit are ordinarily projected about a year in advance. What, however, with the change in calendar dates for legal holidays, suddenly this Memorial Day 1974 is before us. And as I come to this sacred desk this morning, I am made mindful of the fact that some word specifically related to this particular holiday is in order. Hence this sermon which will address an ancient Biblical injunction to the current mood and manner of America.

Oddly enough, let me begin with some commentary on bumper stickers. They are quite the thing these days. In company with many of you, they irritate me. That's a generalization, of course. As you might presume, there are some that constitute an exception. That yellow and black one which has almost become a trade-mark around our parish is easily tolerated. Folks who are members of this congregation usually show a measure of pride when they recognize the bumper sticker that parades before the community our crisis intervention telephone number. It reads like this: "Somebody cares: teen help—588–5440.

But by and large, any number of other stickers fail to enthuse me. To the contrary, frequently I find their arrogance obnoxious and their sad humor offensive.

The other day I heard of another preacher who apparently is a kindred spirit where bumper stickers are concerned. He was annoyed, so I've been told, by a star-spangled one that reads:

AMERICA: LOVE IT OR LEAVE IT

And his critical assessment of its sentiment has triggered all kinds of thoughts in my mind. He maintained, my friend reported, that the tersely put slogan borders on dangerous over-simplification. And he is right. What a terrible plight would be ours if no one dared to raise his voice in criticism of the land we cherish? Any correct reading of our past can make the point that we have benefitted by those who raised their concerned voices boldly and honestly. It is foolhardy to think that all who would criticize America have less than love for her, and that only the disciples of Decatur are worthy of citizenship!

As you might suspect, preachers are wont to write their own versions of what they read. And so, I'm told, it's been suggested that "America, Love It or Leave It" should be re-written so as to read:

AMERICA—CHANGE IT OR LOSE IT

All that follows now has been inspired by the possibility of such rewording.

Usually when one speaks of change, he means a change to something new. I would suggest this morning—change to something old!

Let us change back to the notion that we are meant to be a nation dependent, as over against being a nation independent—independent of God. Once it was so—at the very beginning. Remember how it was back in the summer of 1776 at the old Statehouse in Philadelphia? Some thirteen colonies had sent delegates to chart their future course. It was not easily done. In the face of subsequent confusion, the wisest and the oldest among their number was asked to speak. Benjamin Franklin rather reluctantly rose to his feet. Only finally did he speak a few words inspired by a passage from Holy Writ—Psalm 127. What he said provided the "spiritual foundation" of the United States of America. Here is what he is reported to have said: "I have lived a long time; and the longer I live, the more convincing proofs I see of this truth, that God governs the affairs of men. And if a sparrow cannot fall to the ground without His will, is it possible for an empire to rise without His notice? We have been assured in the sacred writing that except the Lord build the house, they labor in vain that build it. I firmly believe this, and I also believe that without His concurring aid, we shall succeed in this political building no better than the builders of Babel!"

As the founding fathers were driven to recognize dependence upon Almighty God, so must we discover anew in our day the need to build upon such foundation.

In the second place *let us change back to the nation that's intended to run by rules.* John Steinbeck as far back as 1966 put his finger on a sensitive spot when he advised us of a national weakness. He considered it our serious problem—both as a people and as individuals. He did not settle easily for it as "immorality," dishonesty" or "lack of integrity." He reviewed the gamut of our ills: "racial unrest, the emotional crazy quilt that drives our people to the psychiatrists, the fall out, the drop out, the copout insurgency of our children and young people, the rush to stimulants as well as to hypnotic drugs, the rise of narrow, ugly and vengeful cults of all kinds." He saw all of these as the manifestation of one single cause: our disregard for rules. According to the celebrated author, our fathers lived by the rules—"rules concerning life, limb and property—rules defining dishonesty, dishonor, misconduct and crime. The rules were not always obeyed, but they were believed in, and a breaking of them was savagely punished."

America's hope may well lie in our earnest endeavor to appreciate all over again the absolute necessity to place a high value upon rules—upon principles of decency and honor.

Let us change back to being a nation that can face the future without fear.

Robert Heilbroner in a new book, "An Inquiry Into the Human Prospect," raises the question: "Is there hope for man?" He answers with little, if any, encouragement. Much to the reader's dismay, he even goes so

far as to suggest that "the freedom of man must be sacrificed on the altar of the survival of mankind."

Our founding fathers, facing well-nigh insurmountable odds, forged ahead with confidence. Perchance they honestly believed that they had fashioned an instrument of democratic design that would enable them to handle whatever problem would loom upon the horizon. And that is what we must remember. Dr. Daniel Boorstin, senior historian of the Smithsonian Institution, is correct when he takes us to task for putting too much stock in solutions as such. It would seem to him that democracy advances the process by which problems are dealt with.

Look at it this way: democracy means people and people mean problems. We will never be free of problems. Let us, therefore, be unafraid since we do have the instrument by which we can deal with the people-problems!

Let us change back to the nation that places a high value upon private morality.

Clara Boothe Luce has observed that "Watergate is the great liberal illusion that you can have public virtue without private morality." Small wonder that some of us acclaim Adlai Stevenson as one of the finest statemen our generation has produced. When it came to basic morality it seemed to us that he stood head and shoulders above so many. He, too, was trying to say something to us when he referred to a politician of "particularly rancid practices." Of him he lamented: "If he were a bad man, I wouldn't be so afraid of him. But this man has no principles. He doesn't know the difference."

Increasingly it becomes plain to us that "image-making" in our day can become a reckless thing. It has been reported that a certain speech writer for Richard M. Nixon in the 1967 presidential campaign counseled him in a memo: "Potential presidents are measured against an ideal that's a combination of leading man, God, father, hero, pope, king, with maybe a touch of the Furies thrown in." This same person is quoted as having further advised Mr. Nixon: "We have to be very clear on this point: that the response is to the image, not to the man, since 99% of the voters have no contact with the man. It's not what's there that counts, it's what is projected."

All of this, of course, brings us up short since we immediately recognize how dangerous such a thought pattern can be. And not a few of us think at once in terms of the ambitious and arrogant ones who exploited such advice. What grief we might have been spared by the President, his aides, and the Committee To Re-Elect the President!

The image is one thing. The true character of a person is another thing—basically it is the only thing that ultimately really matters.

Some of you may recall how a short while ago from this very pulpit I reminded you of the quote that a friend wrote in my autograph book years ago. It was the wise counsel of Polonius in Shakespeare's *Hamlet:* "To thine own self be true, And it must follow, as the night the day, Thou canst not then be false to any man."

Let us change back to the idea that democracy has its price which must be paid in patience and persistence. A free translation here presumably would be: *let the system work!*

We must have done with the idea that justice is best served by short-cuts. Those who clamor today for immediate resignation of the President may be ill-advised. James Reston wrote a well-deserved tribute to Senator Mike Mansfield in a recent issue of the New York Times. He gave the Montana Senator credit for insisting that pressuring the President to resign would be unfair since it would "evade rather than resolve the moral and legal issues." The man in the White House is entitled to presumption of innocence, and should have every opportunity to have his case presented. Little do we realize that in a certain sense we are all on trial in one degree or another . . . not only the President and his aides, but the Congress and the Constitution as well.

Let us change back to the nation that America was meant to be—where the system can be trusted. We can afford to give it time to be tested.

There are some of you who would be very happy if I came to the sacred desk and denounced the President of the United States of America. There would be some of you who would think that I was brave and forthright. You might even think I was very honest by telling you that he's a liar and a crook and guilty of criminal offsense. This I cannot do.

Some of you would be very happy if I came to the sacred desk and placed a halo upon his head, and called him God's great gift not only to us but to the entire world, and to portray him for you as one who is absolutely faultless. This I cannot do.

I don't know whether he is telling the truth or not. With all my heart I would wish it so. But as a citizen of this land we must give him time. We must give our Constitution time. We must give our Congress time. We must pay the price to find the truth. In company with some of you I am tired, and that is one reason why Sunday after Sunday you have not come to this place to find me dragging Watergate into this pulpit. But I also know the risk of becoming ostrich-like and pretending that a cancer does not appear upon the body politic.

Which leads me now to suggest to you in the final moments of this sermon: *Let us change back to the concept of democracy where each man assumes the responsibility of pulling his own weight.* Many of us have a tendency to cop-out—to suffer despair in the face of the present crisis. But democracy itself is never the solution. It simply provides the process by which things are resolved. Edmund Burke's rebuke remains: "All that is necessary for the victory of evil is that good men do nothing." And the easiest thing for us as so-called good men would be to say that, "I'm tired—let's walk away from the problem."

In the comic strip Peanuts, Linus tells Charlie Brown, "I don't like to face problems head on. I think the best way to solve problems is to avoid them. This is a distinct philosophy of mine. No problem is so big or so complicated that it can't be run away from." Charlie with characteristic naivety asks, "What if everyone was like you? What if everyone in the whole world suddenly decided to run away from his problems?" Replies Linus, "Well, at least we'd all be running in the same direction." And one wonders whether we are not witnessing just that—a mass retreat from involvement.

Or I would add quickly, involvement for the wrong reasons. And the acid test which God always applies is: Why do you say what you say? Why do you do what you do? Why do you believe what you believe?

"Four score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that nation, or any nation, so conceived, and so dedicated, can long endure. . . ."

Said a member of this congregation to me, whose judgment I highly regard, "This could well be the greatest moral crisis that we have ever had to face." I beg you, my friend, as your Pastor, as a care-taker of the Gospel that's preached from this pulpit—

AMERICA—CHANGE IT OR LOSE IT

In this instance, let's go back and take a good hard look at the ways that have been proven before and the most basic of all is to recognize our dependence upon God, and not our independence of all that's morally pure and true.

The Biblical injunction as laid down in that Book of Deuteronomy makes it perfectly plain. It's a matter of choice, and no man can escape the responsibility of involvement in the decision.

The ACTING PRESIDENT pro tempore. Is there any further morning business? If there is no further morning business, the morning business is closed.

NATIONAL RESOURCE LANDS MANAGEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to consideration of S. 424, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (S. 424) to provide for the management, protection, and development of the natural resource lands, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Resource Lands Management Act".

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SEC. 2. DEFINITIONS.—As used in this Act:

(a) "The Secretary" means the Secretary of the Interior.

(b) "National resource lands" means all lands and interests in lands (including the renewable and nonrenewable resources thereof) now or hereafter administered by the Secretary through the Bureau of Land Management, except the Outer Continental Shelf.

(c) "Multiple use" means the management of the national resource lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources, including recreation and scenic values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment, with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

(d) "Sustained yield" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of land without permanent impairment of the quality and productivity of the land or its environmental values.

(e) "Areas of critical environmental concern" means areas within the national resource lands where special management attention is required when such areas are developed or used to protect, or where no development is required to prevent irreparable damage to, important historic, cultural, or scenic values, or natural systems or processes, or life and safety as a result of natural hazards.

(f) "Right-of-way" means an easement, lease, permit, or license to occupy, use, or traverse national resource lands granted for the purposes listed in title IV of this Act.

(g) "Holder" means any State or local governmental entity or agency, individual, partnership, corporation, association, or other business entity receiving or using a right-of-way under title IV of this Act.

SEC. 3. DECLARATION OF POLICY.—(a) Congress hereby declares that—

(1) the national resource lands are a vital national asset containing a wide variety of natural resource values;

(2) sound, long-term management of the national resource lands is vital to the maintenance of a livable environment and essential to the well-being of the American people;

(3) the national interest will be best realized if the national resource lands and their resources are periodically and systematically inventoried and their present and future use is protected through a land use planning process coordinated with other Federal and State planning efforts; and

(4) except where disposal of particular tracts is made in accordance with title II, the national interest will be best served by retaining the national resource lands in Federal ownership.

(b) Congress hereby directs that the Secretary shall manage the national resource lands under principles of multiple use and sustained yield in a manner which will, using all practicable means and measures: (i) include the environmental quality of such lands to assure their continued value for present and future generations; (ii) include, but not necessarily be limited to, such uses as provision of food and habitat for wildlife, fish and domestic animals, minerals and materials production, supplying the products of trees and plants, human occupancy and use, and various forms of outdoor recreation; (iii) include scientific, scenic, historical, archeological, natural ecological, air and atmospheric, water resource, and other public values; (iv) include certain areas in their natural condition; (v) balance various demands on such lands consistent with national goals; (vi) assure payment of fair market value by users of such lands; and (vii) provide maximum opportunity for the public to participate in decisionmaking concerning such lands.

SEC. 4. RULES AND REGULATIONS.—The Secretary is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of this Act. The promulgation of such rules and regulations shall be governed by the Administrative Procedure Act (5 U.S.C. 553). Prior to the promulgation of such rules and regulations, the national resource lands shall be administered under existing rules and regulations concerning such lands.

SEC. 5. PUBLIC PARTICIPATION.—In exercising his authorities under this Act, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria for the preparation and execution of plans and programs concerning, and in the management of, the national resource lands.

SEC. 6. ADVISORY BOARDS AND COMMITTEES.—In providing for public participation in planning and programing for the national resource lands, the Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770) and other applicable law, may establish and consult such advisory boards and committees as he deems necessary to secure full information and advice on the execution of his responsibilities. The membership of such boards and committees shall be representative of a cross section of groups interested in the management of the national resource lands and the various types of use and enjoyment of such lands.

SEC. 7. ANNUAL REPORT.—The Secretary shall prepare an annual report which he shall make available to the public and submit to Congress no later than 120 days after the close of each fiscal year. The report shall describe, in appropriate detail, activities relating or pursuant to this Act for the fiscal year just ended, any problems which may have arisen concerning such activities, and other pertinent information which will assist the accomplishment of the provisions and purposes of this Act. The report shall contain a detailed list and description of all transfers of national resource lands out of Federal ownership for the fiscal year just ended. It shall include such tables, graphs, and illustrations as will adequately reflect the fiscal year's activities, historical trends, and future projections relating to the national resource lands.

SEC. 8. DIRECTOR.—Appointments made on or after the date of the enactment of this Act to the position of the Director of the Bureau of Land Management, within the Department of the Interior, shall be made by the President, by and with the advice and consent of the Senate. The Director shall have a broad background and experience in public land and natural resource management.

SEC. 9. APPROPRIATIONS.—There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes and provisions of this Act.

TITLE I—GENERAL MANAGEMENT AUTHORITY

SEC. 101. MANAGEMENT.—The Secretary shall manage the national resource lands in accordance with the policies and procedures of this Act and with any land use plans which he has prepared, pursuant to section 103 of this Act, except to the extent that other applicable law provides otherwise. Such management shall include:

(1) regulating, through permits, licenses, leases, or such other instruments as the Secretary deems appropriate, the use, occupancy, or development of the national resource lands not provided for by other laws: *Provided, however,* That no provision of this Act shall be construed as authorizing the Secretary to require any Federal permit to hunt or fish on the national resource lands;

(2) requiring appropriate land reclamation as a condition of use, and requiring performance bonds or other security guaranteeing such reclamation in a timely manner from any person permitted to engage in an extractive or other activity likely to entail significant disturbance to or alteration of the national resource lands: *Provided, however,* That no provision of this Act shall in any way amend the Mining Law of 1872, as amended and supplemented (Revised Statutes 2318–2352), or impair the rights of any locators of claims under that Act.

(3) inserting in permits, licenses, leases, or other authorizations to use, occupy, or develop the national resource lands, provisions authorizing revocation or suspension, after notice and hearing, of such permits, licenses, leases, or other authorizations, upon final administrative finding of a violation of any regulations issued by the Secretary under any Act applicable to the national resource lands or upon final administrative finding of a violation on such lands of any applicable State or Federal air or water quality standard or implementation plan: *Provided,* That the Secretary may order an immediate temporary suspension prior to a hearing or final administrative finding if he determines that such a suspension is necessary to protect public health or safety or the environment: *Provided further,* That, where other applicable law contains specific provisions for suspension, revocation, or cancellation of a permit, license, or other authorization to use, occupy, or develop the national resource lands, the specific provisions of such law shall prevail; and

(4) the prompt development of regulations for the protection of areas of critical environmental concern.

SEC. 102. INVENTORY.—(a) The Secretary shall prepare and maintain on a continuing basis an inventory of all national resource lands, and their resource and other values (including outdoor recreation and scenic values) giving priority to areas of critical environmental concern. Areas containing wilderness characteristics as described in section 2(c) of the Act of September 3, 1964

(78 Stat. 890) shall be identified within five years of enactment of this Act. The inventory shall be kept current so as to reflect changes in conditions and in identifications of resource and other values. The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change in the management or use of national resource lands.

(b) The Secretary, where he determines it to be appropriate, may provide (i) means of public identification of national resource lands, including signs and maps, and (ii) State and local governments with data from the inventory for the purpose of planning and regulating the uses of non-Federal lands in the proximity of national resource lands.

SEC. 103. LAND USE PLANS.—(a) The Secretary shall, with public participation, develop, maintain, and, when appropriate, revise land use plans for the national resource lands consistent with the terms and conditions of this Act and coordinated so far as he finds feasible and proper, or as may be required by the enactment of a national land use policy or other law, with the land use plans, including the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), of State and local governments and other Federal agencies.

(b) In the development and maintenance of land use plans, the Secretary shall:

(1) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and social sciences;

(2) give priority to the designation and protection of areas of critical environmental concern;

(3) rely, to the extent it is available, on the inventory of the national resource lands, their resources, and other values;

(4) consider present and potential uses of the lands;

(5) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;

(6) weigh long-term public benefits; and

(7) consider the requirements of applicable pollution control laws including State or Federal air or water quality standards, noise standards, and implementation plans.

(c) Any classification of national resource lands in effect on the date of enactment of this Act is subject to review in the land use planning process and such lands are subject to inclusion in land use plans pursuant to this section.

(d) Wherever any proposed change in the classification of, or permitted uses on, any national resource lands would affect authorization for use of such lands, persons holding leases, licenses, or permits concerning the use to be affected shall be given written notice by the Secretary of such proposed change at least sixty days before it is put into effect.

(e) Areas identified pursuant to section 102 as having wilderness characteristics shall be reviewed within fifteen years of enactment of this Act pursuant to the procedures set forth in subsections 3(c) and (d) of the Act of September 3, 1964 (78 Stat. 892–893): Provided, however, That such review shall not, of itself, either change or prevent change in the management or use of the national resource lands.

TITLE II—CONVEYANCE AND ACQUISITION AUTHORITIES

SEC. 201. AUTHORITY TO SELL.—Except as otherwise provided by law, and subject to the requirements of section 3 of this Act, the Secretary is authorized to sell national resource lands. The national resource lands may be sold if the Secretary, in accordance with the guidelines he has established for sale of national resource lands and after preparation pursuant to section 103 of this Act of a land use plan which includes any tract of such lands identified for sale, determines that the sale of such tract will not cause needless degradation of the environment and meets the disposal criteria of section 202 of this Act.

SEC. 202. DISPOSAL CRITERIA.—(a) A tract of national resource lands may be transferred out of Federal ownership under this Act only where, as a result of land use planning required under section 103, the Secretary determines that—

(1) such tract of national resource lands, because of its location and other characteristics, is difficult to manage as part of the national resource lands and is not suitable for management by another Federal agency; or

(2) such tract of national resource lands was acquired for a specific purpose and the tract is no longer required for that or any other Federal purpose; or

(3) disposal of such tract of national resource lands will serve objectives which cannot be achieved prudently or feasibly on land other than such tract and which outweigh all public objectives and values which would be served by maintaining such tract in Federal ownership.

(b) Where the Secretary determines that land to be disposed of under clause (3) of subsection (a) is of agricultural value and is desert in character, such land shall be disposed of either under the sale authority of section 201 or in accordance with existing law.

SEC. 203. SALES AT FAIR MARKET VALUE.—Sales of national resource lands under this Act shall be at not less than the appraised fair market value as determined by the Secretary.

SEC. 204. SIZE OF TRACTS.—The Secretary shall determine and establish the size of tracts of national resource lands to be sold on the basis of the land use capabilities and where any such tract is sold for agricultural development requirements of the lands; and, use, its size shall be no larger than necessary to support a family-sized farm.

SEC. 205. COMPETITIVE BIDDING PROCEDURES—Except as to sales under section 208 hereof, sales of national resource lands under this Act shall be conducted under competitive bidding procedures to be established by the Secretary. However where the Secretary determines it necessary and proper (i) to assure equitable distribution among purchasers of national resource lands, or (ii) to recognize equitable considerations or public policies, including but not limited to a preference to users, he is authorized to sell national resource lands with modified competitive bidding or without competitive bidding.

SEC. 206. RIGHT TO REFUSE OR REJECT OFFER OF PURCHASE.—Until the Secretary has accepted an offer to purchase, he may refuse to accept any offer or may withdraw any land or interest in land from sale under this Act when he determines that consummation of the sale would not be consistent with this Act or other applicable law. The Secretary shall accept or reject, in writing, any offer to purchase made through competitive bid at his invitation no later than thirty days after the submission of such offer.

SEC. 207. RESERVATION OF MINERAL INTERESTS.—All conveyances of title issued by the Secretary under this Act, except conveyances under the exchange authority provided in section 213, shall reserve to the United States all minerals in the lands, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary may prescribe: *Provided*, That, where prospecting, mining, or removing minerals reserved to the United States would interfere with or preclude the appropriate use or development of such land, the Secretary may (1) enter into covenants which provide that such activities shall not be pursued for a specified period or (2) convey the minerals in the conveyance of title in accordance with the provisions of section 208(a) (1) and (2) and (c) of this Act.

SEC. 208. CONVEYANCE OF RESERVED MINERAL INTERESTS.—(a) The Secretary may convey mineral interests owned by the United States where the surface is in non-Federal ownership, regardless of which Federal agency may have administered the surface, if he finds (1) that there are no mineral values in the land, or (2) that the reservation of the mineral rights in the United States is interfering with or precluding appropriate nonmineral development of the land and that such development is a more beneficial use of the land than mineral development.

(b) Conveyance of mineral interests pursuant to this section shall be made only to the record owner of the surface, upon payment of administrative costs and the fair market value of the interests being conveyed.

(c) The patent for any mineral interests conveyed pursuant to this section shall provide that, in the event that mineral development activities are initiated, the mineral interests of the owner or owners of the parcel of land on which such activities are initiated, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary may prescribe, shall revert to the United States.

(d) Before considering an application for conveyance of mineral interests pursuant to this section the Secretary shall require the deposit of a sum of money which he deems sufficient to cover administrative costs including, but not limited to, costs of conducting an exploratory program to determine the character of the mineral deposits in the land, evaluating the data obtained under the exploratory program to determine the fair market value of the mineral interests to be conveyed, and preparing and issuing the documents of conveyance. If the administrative costs exceed the deposit, the applicant shall pay the outstanding amount; and if the deposit exceeds the administrative costs, the applicant shall be given a credit for or refund of the excess.

(e) Moneys paid to the Secretary for administrative costs pursuant to subsection (d) of this section shall be paid to the agency which rendered the service and deposited to the appropriation then current.

SEC. 209. TERMS OF PATENT.—The Secretary shall insert in any patent or other document of conveyance he issues under this Act such terms, convenants, conditions, and reservations as he deems necessary to insure proper land use and protection of the public interest.

SEC. 210. CONFORMING CONVEYANCES TO STATE AND LOCAL PLANNING.—The Secretary shall not make conveyances of national resource lands under this Act which would be in conflict with State and local land use plans, programs, zoning, and regulations. At least ninety days prior to offering for sale or otherwise conveying national resource lands under this Act, the Secretary shall notify the Governor of the State within which such lands are located and the head of the governing body of any political subdivision of the State having zoning or other land use regulatory jurisdiction in the geographical area within which such lands are located, in order to afford the appropriate body the opportunity to zone or otherwise regulate, or change or amend existing zoning or other regulations concerning, the use of such lands prior to such conveyance.

SEC. 211. AUTHORITY TO ISSUE AND CORRECT DOCUMENTS OF CONVEYANCE.—Consistent

with his authority to dispose of national resource lands, the Secretary is authorized to issue deeds, patents, and other indicia of title, and to correct such documents where necessary. In addition, the Secretary is authorized to make corrections on any documents of conveyance which have heretofore been issued on lands which would, at the time of their conveyance, have met the description of national resource lands.

SEC. 212. RECORDABLE DISCLAIMERS OF INTEREST IN LAND.—(a) After consulting with any affected Federal agency, the Secretary is authorized to issue a document of disclaimer of interest or interests in any lands in any form suitable for recordation, where the disclaimer will help remove a cloud on the title of such lands and where he determines (1) a record interest of the United States in lands has terminated by operation of law; or (2) the lands lying between the meander line shown on a plat of survey approved by the Bureau of Land Management or its predecessors and the actual shoreline of a body of water are not lands of the United States; or (3) accreted, relicted, or avulsed lands are not lands of the United States.

(b) No document or disclaimer shall be issued pursuant to this title unless the applicant therefor has filed with the Secretary an application in writing and notice of such application setting forth the grounds supporting such application has been published in the Federal Register at least ninety days preceding the issuance of such disclaimer and until the applicant therefor has paid to the Secretary the administrative costs of issuing the disclaimer as determined by the Secretary. All receipts shall be credited to the appropriation from which expended.

(c) Issuance of a document of disclaimer by the Secretary pursuant to the provisions of this section and regulations promulgated hereunder shall have the same effect as a quitclaim deed from the United States.

SEC. 213. ACQUISITION OF LAND.—(a) The Secretary is authoriezd to acquire, by purchase, exchange, or donation, lands or interests therein where necessary for proper management of the national resource lands: *Provided,* That land or interests in land may be acquired pursuant to this title by eminent domain only if necessary in order to secure access to national resource lands: *And provided further,* That any such national source lands acquired by eminent domain shall be confined to as narrow a corridor as is necessary to serve such purpose.

(b) Acquisitions pursuant to this Act shall be consistent with applicable land use plans prepared by the Secretary under section 103 of this Act.

(c) In exercising the exchange authority granted by subsection (a) of this section, the Secretary may accept title to any non-Federal land or interests therein and in exchange therefor he may convey to the grantor of such land or interests any national resource lands or interests therein which, under section 202 of this Act, he finds proper for transfer out of Federal ownership and which are located in the same State as the non-Federal land to be acquired. The values of the lands so exchanged either shall be equal, or if they are not equal, shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require.

(d) Lands acquired by exchange under this section or section 301(c) which are within the boundaries of the national forest system may be transferred to the Secretary of Agriculture for administration as part of, and in accordance with laws, rules, and regulations applicable to, the national forest system. Such transfer shall not result in the reducion in the percentage of in-lieu payments receivable by State and local governments. Lands acquired by exchange under this section or section 301(c) which are within the boundaries of national park, wildlife refuge, wild and scenic rivers, trails, or any other system established by Act of Congress may be transferred to the appropriate agency head for administration as part of, and in accordance with the laws, rules, and regulations applicable to, such system.

(e) Lands and interests in lands acquired pursuant to this section or section 301(c) shall, upon acceptance of title, become national resource lands, and, for the administration of public land laws not repealed by this Act, shall become public lands. If such acquired lands or interests in lands are located within the exterior boundaries of a grazing district established pursuant to section 1 of the Taylor Grazing Act (48 Stat. 1269), as amended, they shall become a part of that district.

TITLE III—MANAGEMENT IMPLEMENTING AUTHORITY

SEC. 301. STUDIES, COOPERATIVE AGREEMENTS, AND CONTRIBUTIONS.—(a) The Secretary may conduct investigations, studies, and experiments, on his own initiative or in cooperation with others, involving the management, protection, development, acquisition, and conveying of the national resource lands.

(b) The Secretary may enter into contracts or cooperative agreements involving the management, protection, development, acquisition, and conveying of the national resource lands.

(c) The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition, and conveying of the national resource lands, including the acquisition of rights-of-way for such purposes. He may accept contributions for cadastral surveying performed on federally controlled or intermingled lands. Moneys received hereunder shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct, for payment of expenses incident to the function toward the administration of which the contributions were made and for refunds to depositors of amounts contributed by them in specific instances where contributions are in excess of their share of the cost.

SEC. 302. SERVICE CHARGES, REIMBURSEMENT PAYMENTS, AND EXCESS PAYMENTS.—(a) Notwithstanding any other provision of law, the Secretary may establish filing fees, service fees and charges, and commissions with respect to applications and other documents relating to national resource lands and may change and abolish such fees, charges, and commissions.

(b) The Secretary is authorized to require a deposit of any payments intended to reimburse the United States for extraordinary costs with respect to applications and other documents relating to national resource lands. The moneys received for extraordinary costs under this subsection shall be deposited with the Treasury in a special account and are hereby appropriated and made available until expended. As used in this subsection, "extraordinary costs" include but are not limited to the costs of special studies; environmental impact statements; monitoring construction, operation, maintenance, and termination of any authorized facility; or other special activities.

(c) In any case where it shall appear to the satisfaction of the Secretary that any person has made a payment under any statute relating to the sale, lease, use, or other disposition of the national resource lands which is not required or is in excess of the amount required by applicable law and the regulations issued by the Secretary, the Secretary, upon application or otherwise, may cause a refund to be made from applicable funds.

SEC. 303. WORKING CAPITAL FUND.—(a) There is hereby established a working capital fund for the management of national resource lands. This fund shall be available without fiscal year limitation for expenses necessary for furnishing, in accordance with the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and regulations promulgated thereunder, supplies and equipment services in support of Bureau of Land Management programs, including but not limited to, the purchase or construction of storage facilities, equipment yards, and related improvements and the purchase, lease, or rent of motor vehicles, aircraft, heavy equipment, and fire control and other resource management equipment within the limitations set forth in appropriations made to the Bureau of Land Management.

(b) The initial capital of the fund shall consist of appropriations made for that purpose together with the fair and reasonable value at the fund's inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the fund. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

(c) The fund shall be credited with payments from appropriations and funds of the Bureau of Land Management, other agencies of the Department of the Interior, other Federal agencies, and other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities, supplies, equipment, and services (including depreciation and accrued annual leave). Such payments may be made in advance in connection with firm orders, or by way of reimbursement.

(d) There is hereby authorized to be appropriated not to exceed $3,000,000 as initial capital of the working capital fund.

SEC. 304. DEPOSITS AND FORFEITURES.—(a) Any moneys received by the United States as a result of the forfeiture of a bond or other security by a resource developer or purchaser or permittee who does not fulfill the requirements of his contract or permit or does not comply with the regulations of the Secretary; or as a result of a compromise or settlement of any claim whether sounding in tort or in contract involving present or potential damage to national resource lands shall be credited to a separate account in the Treasury and are hereby appropriated and made available, until expended as the Secretary may direct, to cover the cost to the United States of any improvement, protection, or rehabilitation work on the national resource lands which has been rendered necessary by the action which has led to the forfeiture, compromise, or settlement.

(b) The Secretary may require a user or users of roads, trails, lands, or facilities under the jurisdiction of the Bureau of Land management to maintain such roads, trails, lands, or facilities in a satisfactory condition commensurate with tions of the Secretary, or as a result of a compromise or the extent of such maintenance to be shared by the users in proportion to such use or, if such maintenance cannot be so provided, to deposit sufficient money to enable the Secretary to provide such maintenance. Such deposits shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct, to cover the cost to the United States of the maintenance of any road, trails, lands, or facility under the jurisdiction of the Bureau of Land Management: *Provided,* That nothing in this subsection shall be construed to require the user or users to provide maintenance or deposits to repair any damages attributable to general public use rather than the specific use or uses of such user or users.

(c) Any moneys collected under this Act in connection with lands administered under the Act of August 28, 1937 (50 Stat. 874), as amended, shall be expended for the benefit of such land only.

(d) If any portion of a deposit or amount forfeited under this Act is found by the Secretary to be in excess of the cost of doing the work authorized under this Act, the amount in excess shall be transferred to miscellaneous receipts.

SEC. 305. CONTRACTS FOR CADASTRAL SURVEY OPERATIONS AND RESOURCE PROTECTION.—(a) The Secretary is authorized to enter into contracts for the use of aircraft, and for supplies and services, prior to the passage of an appropriation therefor, for airborne cadastral survey and resource protection operations of the Bureau of Land Management. He may renew such contracts annually, not more than twice, without additional competition. Such contracts shall obligate funds for the fiscal years in which the costs are incurred.

(b) Each such contract shall provide that the obligation of the United States for the ensuing fiscal years is contingent upon the passage of an applicable appropriation, and that no payment shall be made under the contract for the ensuing fiscal years until such appropriation becomes available for expenditure.

SEC. 306. UNAUTHORIZED USE.—The use, occupancy or development of any portion of the national resource lands contrary to any regulation of the Secretary or other responsible authority, or contrary to any order issued pursuant to any such regulation, is unlawful and prohibited.

SEC. 307. ENFORCEMENT AUTHORITY.—(a) Any violation of regulations which the Secretary issues with respect to the management, protection, development, acquisition, and conveying of the national resource lands and property located thereon and which the Secretary identifies as being subject to this section shall be punishable by a fine of not more than $1,000 or imprisonment for not more than twelve months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18 of the United States Code.

(b) At the request of the Secretary, the Attorney General may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from using the national resource lands in violation of laws or regulations relating to lands or resources managed by the Secretary.

(c) For the specific purpose of enforcing any law or regulation relating to lands or resources managed by the Secretary, the Secretary may designate any employee to (i) carry firearms; (ii) execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; (iii) make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view, or for a felony if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; (iv) search without warrant or process any person, place, or conveyance as provided by law; and (v) seize without warrant or process any evidentiary item as provided by law.

SEC. 308. COOPERATION WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—In connection with administration and regulation of the use and occupancy of the national resource lands, the Secretary is authorized to cooperate with the regulatory and law enforcement officials of any State or political subdivision thereof. Such cooperation may include reimbursement to a State or its subdivision for expenditures incurred by it in connection with activities which assist in the administration and regulation of use and occupancy of national resource lands.

SEC. 309. CALIFORNIA DESERT AREA—(a) The Congress finds that—

(1) the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, and educational resources that are unique and irreplaceable;

(2) the desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed;

(3) the desert environment and its resources, including certain rare and endangered species of wildlife, plants, and fishes, and numerous archeological and historic sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use, particularly recreational use;

(4) because of the proximity of the California desert to the rapidly growing population centers of southern California, these threats are certain to intensify;

(5) the Secretary has initiated a comprehensive planning process and established an interim management program for the California desert; and

(6) to insure further study of the relationship of man and the desert environment and preserve the unique and irreplaceable resources of the California desert, the public must be provided more opportunity to participate in such planning and management, and additional management authority must be provided to the Secretary to enable effective implementation of such planning and management.

(b) It is the purpose of this section to provide for the immediate and future protection and management of the California desert within the framework of a program of multiple use and the maintenance of environmental quality.

(c) (1) For the purpose of this section, the "California desert area" is the area generally depicted on a map entitled "California Desert Area—Proposed", dated April 1974, and on file in the Office of the Director of the Bureau of Land Management.

(2) As soon as practicable after this Act takes effect, the Secretary shall file a map and a legal description of the California desert area with the Committees on Interior and Insular Affairs of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act; *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made by the Secretary. To the extent practicable, the Secretary shall make such legal description and map available to the public promptly upon request.

(d) The Secretary, in accordance with section 103, shall prepare and implement a comprehensive, long-range plan for the management, use, and protection of the national resource lands within the California desert area. Such plan shall be completed and implementation thereof initiated on or before June 30, 1979.

(e) During the period beginning on the date of enactment of this Act and ending on the effective date of implementation of the comprehensive, long-range plan, the Secretary shall execute an interim program to manage and protect the national resource lands, and their resources now in danger of destruction, in the California desert area, to provide for the public use of such lands in an orderly and reasonable manner such as through the development of campgrounds and visitor centers, and to provide for a uniformed desert ranger force.

(f) (1) The Secretary, within sixty days of enactment of this Act, shall establish a California Desert Area Advisory Committee (hereinafter referred to as "advisory committee") in accordance with the provisions of section 6 of this Act.

(2) It shall be the function of the advisory committee to advise the Secretary with respect to the preparation and implementation of the comprehensive, long-range plan required under subsection (d) of this section.

(g) The Secretaries of Agriculture and Defense shall manage lands within their respective jurisdictions located in or adjacent to the California desert area, in accordance with the laws relating to such lands and wherever practicable, in a manner consonant with the purpose of this section. The Secretaries of the Interior, Agriculture, and Defense are authorized and encouraged to consult among themselves and take cooperative actions to carry out this subsection.

(h) The Secretary shall report to the Congress no later than two years after the enactment of this Act, and annually thereafter in the report required in section 7 of this Act, on the progress in, and any problems concerning, the implementation of this section, together with any recommendations, which he may deem necessary, to remedy such problems.

(i) There is authorized to be appropriated for fiscal years 1975 through 1979 not to exceed $40,000,000 to effect the purpose of this section, such amount to remain available until expended.

TITLE IV—AUTHORITY TO GRANT RIGHTS-OF-WAY

SEC. 401. AUTHORIZATION TO GRANT RIGHTS-OF-WAY.—(a) The Secretary is authorized to grant, issue, or renew rights-of-way over, upon, or through the national resource lands for—

(1) Reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment storage, transportation, or distribution of water;

(2) Pipelines and other systems for the transportation or distribution of liquids and gases, other than oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, or water and for storage and terminal facilities in connection therewith;

(3) Pipelines, slurry and emulsion systems, and conevyor belts for transportation and distribution of solid materials, and facilities for the storage of such materials in connection therewith;

(4) Systems for generation, transmission, and distribution of electric energy, except that the applicant shall also comply with all applicable requirements of the Federal Power Commission under the Act of June 10, 1920, as amended (16 U.S.C. 796, 797);

(5) Systems for transmission or reception of radio, television, telegraph, and other electronic signals, and other means of communication;

(6) Roads, trails, highways, railroads, canals, tramways, airways, livestock driveways, or other means of transportation; and

(7) Such other necessary transportation or other systems or facilities which are in the public interest and which require rights-of-way over, upon, or through the national resource lands.

(b) (1) The Secretary shall require, prior to granting, issuing, or renewing a rights-of-way, that the applicant submit and disclose any or all plans, contracts, agreements, or other information or material reasonably related to the use, or intended use, of the right-of-way which he deems necessary to a determination, in accordance with the provisions of this title, as to whether a right-of-way shall be granted, issued, or renewed and the terms and conditions which should be included in such right-of-way.

(2) If the applicant is a partnership, corporation, association, or other business entity, the Secretary, prior to granting a right-of-way pursuant to this title, shall require the applicant to disclose the identity of the participants in the entity. Such disclosure shall include, where applicable: (1) the name and address of each partner; (2) the name

and address of each shareholder owning 3 percentum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote; and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

(c) Nothing in this title shall be deemed to limit in any way the authority of the Secretary to make grants, issue leases, licenses, or permits, or enter into contracts under other provisions of law, for purposes ancillary or complementary to the construction, operation, maintenance, or termination of any facility authorized under this title.

SEC. 402. RIGHT-OF-WAY CORRIDORS.—(a) After the Secretary has submitted the report required by section 28 (s) of the Mineral Leasing Act of 1920, as amended by the Act of November 16, 1973 (87 Stat. 576), he shall, consistent with applicable land use plans, designate transportation and utility corridors on national resource lands and, to the extent practical and appropriate, require that rights-of-way be confined to them. In designating such corridors and in determining whether to require that rights-of-way be confined to them, the Secretary shall take into consideration National and State land use policies, environmental quality, economic efficiency, national security, safety, and good engineering and technological practices. The Secretary shall issue regulations containing the criteria and procedures he will use in designating such corridors. Any existing transportation and utility corridors may be designated as transportation and utility corridors pursuant to this subsection without further review.

(b) In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way across national resource lands the use of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way granted pursuant to this title.

SEC. 403. GENERAL PROVISIONS.—(a) The Secretary shall specify the boundaries of each right-of-way as precisely as is practicable. Each right-of-way shall be limited to the ground which the Secretary determines: (1) will be occupied by facilities which constitute the project for which the right-of-way is given, (2) to be necessary for the operation or maintenance of the project, and (3) to be necessary to protect the environment or public safety. The Secretary may authorize the temporary use of such additional lands as he determines to be reasonably necessary for the construction, operation, maintenance, or termination of the project or a portion thereof, or for access thereto.

(b) The Secretary shall determine the duration of each right-of-way or other authorization to be granted, issued, or renewed pursuant to this title. In determining the duration the Secretary shall, among other things, take into consideration the cost of the facility and its useful life.

(c) Rights-of-way granted, issued, or renewed pursuant to this title shall be given under such regulations or stipulations, in accord with the provision of this title or any other law, and subject to such terms and conditions as the Secretary may prescribe regarding extent, duration, survey, location, construction, maintenance, and termination.

(d) The Secretary, prior to granting a right-of-way pursuant to this title for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way which shall comply with stipulations or with regulations issued by the Secretary. The Secretary shall issue regulations or impose stipulations which shall include, but shall not be limited to: (1) requirements to insure that activities on the right-of-way will not violate applicable air and water quality standards or applicable transmission, powerplant, and related facility siting standards established by or pursuant to law; (2) requirements designed to control or prevent (A) damage to the environment (including damage to fish and wildlife habitat), (B) damage to public or private property, and (C) hazards to public health and safety; and (3) requirements to protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes. Such regulations shall be regularly revised. Such regulations shall be applicable to every right-of-way granted pursuant to this title, and may be applicable to rights-of-way to be renewed pursuant to this title.

(e) Mineral and vegetative materials, including timber, within or without a right-of-way may be used or disposed of in connection with construction or other purposes only if authorization to remove or use such materials has been obtained pursuant to applicable laws.

(f) No right-of-way shall be issued for less than the fair market value thereof as determined by the Secretary. The Secretary may, by regulation or prior to promulgation of such regulations, as a condition of a right-of-way, require an applicant for or holder of a right-of-way to reimburse the United States for all reasonable administrative and other costs incurred in processing an application for such right-of-way and in inspection and monitoring of construction, operation, and termination of the facility pursuant to such right-of-way: *Provided, however,* That rights-of-way may be granted, issued, or renewed to State or local governments or agencies or instrumentalities thereof, or to nonprofit associations or nonprofit corporations which are not themselves controlled or owned by profitmaking corporations or business enterprises, for such lesser charge as the Secretary finds equitable and in the public interest.

(g) The Secretary shall promulgate regulations specifying the extent to which holders of rights-of-way under this title shall be liable to the United States for damage or injury incurred by the United States in connection with the rights-of-way. The regulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liabilities, damages, or claims arising in connection with the rights-of-way.

(h) Where he deems it appropriate, the Secretary may require a holder of a right-of-way to furnish a bond, or other security, satisfactory to the Secretary to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or by any rule or regulation of the Secretary.

(i) The Secretary shall grant, issue, or renew a right-of-way under this title only when he is satisfied that the applicant has the technical and financial capability to construct the project for which the right-of-way is requested, and in accord with the requirements of this title.

SEC. 404. TERMS AND CONDITIONS.—Each right-of-way shall contain such terms and conditions as the Secretary deems necessary to (1) carry out the purposes of this Act and rules and regulations hereunder; (2) protect the environment; (3) protect Federal property and monetary interests; (4) manage efficiently national resource lands which are subject to the right-of-way or adjacent thereto and protect the other lawful users of the national resource lands adjacent to or traversed by said right-of-way; (5) protect lives and property; (6) protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes; and (7) protect the public interest in the national resource lands.

SEC. 405. SUSPENSION OR TERMINATION OF RIGHT-OF-WAY.—Abandonment of the right-of-way or noncompliance with any provision of this title, condition of the right-of-way, or applicable rule or regulation of the Secretary may be grounds for suspension or termination of the right-of-way if, after due notice to the holder of the right-of-way and an appropriate administrative proceeding pursuant to title 5, United States Code, section 554, the Secretary determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed-upon condition, event, or time. If the Secretary determines that an immediate temporary suspension of activities within a right-of-way for violation of its terms and conditions is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding. Prior to commencing any proceeding to suspend or terminate a right-of-way the Secretary shall give written notice to the holder of the ground or grounds for such action and shall give the holder a reasonable time to resume use of the right-of-way or to comply with this title, condition, rule, or regulation as the case may be. Deliberate failure of the holder of the right-of-way to use the right-of-way for the purpose for which it was granted, issued, or renewed for any continuous five-year period shall constitute a rebuttable presumption of abandonment of the right-of-way: *Provided, however,* That where the failure of the holder to use the right-of-way for the purpose for which it was granted, issued, or renewed for any continuous five-year period is due to circumstances not within the holder's control the Secretary is not required to commence proceedings to suspend or terminate the right-of-way.

SEC. 406. RIGHTS-OF-WAY FOR FEDERAL AGENCIES.—(a) The Secretary may reserve for the use of any department or agency of the United States a right-of-way over, upon, or through national resource lands, subject to such terms and conditions as he may impose. The provisions of this title shall be applicable to any such right-of-way.

(b) Where a right-of-way has been provided for the use of any department or agency of the United States, the Secretary shall take no action to terminate, or otherwise limit, that use without the consent of the head of that other department or agency.

SEC. 407. CONVEYANCE OF LANDS.—If under applicable law the Secretary decides to transfer out of Federal ownership, by patent, deed, or otherwise, any national resource lands covered in whole or in part by a right-of-way, including a right-of-way granted under the Act of November 16, 1973 (87 Stat. 576), the lands may be conveyed subject to the right-of-way; however, if the Secretary determines that retention of Federal control over the right-of-way is necessary to assure that the purposes of this title will be carried out, the terms and conditions of the right-of-way complied with, or the national resource lands protected, he shall (1) reserve to the United States that portion of the lands which lies within the boundaries of the right-of-way, or (2) convey the lands, including that portion within the boundaries of the right-of-way, subject to the right-of-

way and reserving to the United States the right to enforce all or any of the terms and conditions of the right-of-way, including the right to renew it or extend it upon its termination and to collect rents.

SEC. 408. EXISTING RIGHTS-OF-WAY.—Nothing in this title shall have the effect of terminating any rights-of-way or rights-of-use heretofore issued, granted, or permitted by the Secretary. However, with the consent of the holder thereof, the Secretary may cancel such a right-of-way and in its stead issue a right-of-way pursuant to the provisions of this title.

SEC. 409. STATE STANDARDS.—The Secretary shall take into consideration and, to the extent practical, comply with State standards for right-of-way construction, operation, and maintenance if those standards are more stringent than Federal standards and if the national resource lands are adjacent to lands to which such State standards apply.

SEC. 410. EFFECT ON OTHER LAWS.—(a) After the date of enactment of this Act, no right-of-way for the purposes listed in this title shall be granted, issued, or renewed over, upon, or through national resource lands except under and subject to the provisions, limitations, and conditions of this title: *Provided,* That any application for a right-of-way filed under any other law prior to the date of enactment of this Act may, at the applicant's option, be considered as an application under this title or the Act under which the application was filed. The Secretary may require the applicant to submit any additional information he deems necessary to comply with the requirements of this title.

(b) Nothing in this title shall be construed to preclude the use of national resource lands for highway purposes pursuant to sections 107 and 317 of title 23, United States Code.

TITLE V—CONSTRUCTION OF LAW, PRESERVATION OF VALID EXISTING RIGHTS, AND REPEAL OF LAWS

SEC. 501. CONSTRUCTION OF LAW.—(a) Except as provided in section 410, the authority conferred upon the Secretary by this Act is in addition to all other authority vested in him by law, and nothing in this Act shall be deemed to repeal any such other authority by implication.

(b) Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States, or—

(1) as affecting in any way any law governing appropriations or use of, or Federal right to, water on national resource lands;

(2) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;

(3) as displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two or more States and the Federal Government;

(4) as superseding, modifying, or repealing, except as specifically set forth in this Act, existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water resources or to exercise licensing or regulatory functions in relation thereto;

(5) as modifying the terms of any interstate compact;

(6) as a limitation upon any State criminal statute or upon the police power of the respective States, or as derogating the authority of a local police officer in the performance of his duties, or as depriving any State or political subdivision thereof of any right it may have to exercise civil and criminal jurisdiction on the national resource lands; or

(7) as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national resource lands.

SEC. 502. VALID EXISTING RIGHTS.—All actions by the Secretary under this Act shall be subject to valid existing rights.

SEC. 503. REPEAL OF LAWS RELATING TO DISPOSAL OF NATIONAL RESOURCE LANDS.—(a) The following statutes or parts of statutes are repealed:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Homesteads:				
Revised Statute 2289				161, 171.
Mar. 3, 1891	561	5	26: 1097	161, 162.
Revised Statute 2290				162.
Revised Statute 2295				163.
Revised Statute 2291				164.
June 6, 1912	153		37: 123	164, 169, 218.
May 14, 1880	89		21: 141	166, 185, 202, 223.
June 6, 1900	821		31: 683	166, 223.
Aug. 9, 1912	280		37: 267	
Apr. 6, 1914	51		38: 213	167.
Mar. 1, 1921	90		41: 1193	
Oct. 17, 1914	325		38: 470	168.
Revised Statute 2297				169.
Mar. 3, 1881	153		21: 511	
Oct. 22, 1914	335		38: 766	170.
Revised Statute 2292				171.
June 8, 1880	136		21: 166	172.
Revised Statute 2301				173.
Mar. 3, 1891	561	6	26: 1098	
June 3, 1896	312	2	29: 197	
Revised Statute 2288				174.
Mar. 3, 1891	561	3	26: 1097	
Mar. 3, 1905	1424		33: 991	
Revised Statute 2296				175.
Apr. 28, 1922	155		42: 502	
May 17, 1900	479	1	31: 179	179.
Jan. 26. 1901	180		31: 740	180.
Sept. 5, 1914	294		38: 712	182.
Revised Statute 2300				183.
Aug. 31, 1918	166	8	40: 957	
Sept. 13, 1918	173		40: 960	
Revised Statute 2302				184, 201.
July 26, 1892	251		27: 270	185.
Feb. 14, 1920	76		41: 434	186.
Jan. 21, 1922	32		42: 358	
Dec. 28, 1922	19		42: 1067	
June 12, 1930	471		46: 580	
Feb. 25, 1925	326		43: 981	187.
June 21, 1934	690		48: 1185	187a.
May 22, 1902	821	2	32: 203	187b.
June 5, 1900	716		31: 270	188, 217.
Mar. 3, 1875	131	15	18: 420	189.
July 4, 1884	180	Only last paragraph of sec. 1.	23: 96	190.
Mar. 1, 1933	160	1	47: 1418	190a.
The following words only: "Provided, That no further allotments of lands to Indians on the public domain shall be made in San Juan County, Utah, nor shall further Indian homesteads be made in said county under the Act of July 4, 1884 (23 Stat. 96: U.S.C. title 43, sec. 190)."				
Revised Statutes 2310, 2311.				191.
June 13, 1902	1080		32: 384	203.
Mar. 3, 1879	191		20: 472	204.
July 1, 1879	60		21: 46	205.
May 6, 1886	88		24: 22	206.
Aug. 21, 1916	361		39: 518	207.
June 3, 1924	240		43: 357	208.
Revised Statute 2298				211.
Aug. 30, 1890	837		26: 391	212.
The following words only: "No person who shall after the passage of this act, enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry or settlement, is validated by this act."				
Mar. 3, 1891	561	17	26: 1101	
The following words only: "and that the provision of 'An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes,' which reads as follows, viz: 'No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws,' shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not to include lands entered or sought to be entered under mineral land laws."				
Apr. 28, 1904	1776		33: 527	213.
Aug. 3, 1950	521		64: 398	
Mar. 2, 1889	381	6	25: 854	214.
Feb. 20, 1917	98		39: 925	215.
Mar. 4, 1921	162	1	41: 1433	216.
Feb. 19, 1909	160		35: 639	218.
June 13, 1912	166		37: 132	
Mar. 3, 1915	84		38: 953	
Mar. 3, 1915	91		38: 957	
Mar. 4, 1915	150	2	38: 1163	
July 3, 1916	220		39: 344	
Feb. 11, 1913	39		37: 666	281, 219.
June 17, 1910	298		36: 531	219.
Mar. 3, 1915	91		38: 957	
Sept. 5, 1916	440		39: 724	
Aug. 10, 1917	52	10	40: 275	
Mar. 4, 1915	150	1	38: 1162	220.
Mar. 4, 1923	245	1	42: 1445	222.
Apr. 28, 1904	1801		33: 547	224.
Mar. 2, 1907	2527		34: 1224	
May 29, 1908	220	7	35: 466	
Aug. 24, 1912	371		37: 499	
Aug. 22, 1914	270		38: 704	231.
Feb. 25, 1919	21		40: 1153	
July 3, 1916	214		39: 341	232.
Sept. 29, 1919	64		41: 288	233.
Apr. 6, 1922	122		42: 491	233, 272, 273.
Mar. 2, 1889	381	3	25: 854	234.
Dec. 29, 1894	14		28: 599	
July 1, 1879	63	1	21: 48	235.
Dec. 20, 1917	6		40: 430	236.
July 24, 1919	26	Next to last paragraph only.	41: 271	237.
Mar. 2, 1932	69		47: 59	237a.
May 21, 1934	320		48: 787	237b.
May 22, 1935	135		49: 286	237c.
Aug. 19, 1935	560		49: 659	237d.
Mar. 31, 1938	57		52: 149	
Apr. 20, 1936	239		49:1235	237e.
July 30, 1956	778	1, 2, 4	70: 715	237 f, g, h.
Mar. 1, 1921	102		41: 1202	238.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Homesteads—Continued				
Apr. 7, 1922	125		42: 492	
Revised Statute 2308				239.
June 16, 1898	458		30: 473	240.
Aug. 29, 1916	420		39: 671	
Apr. 7, 1930	108		46: 144	243.
Mar. 3, 1933	198		47: 1424	243a.
Mar. 3, 1879	192		20: 472	251.
Mar. 2, 1889	381	7	25: 855	252.
June 3, 1878	152		20: 91	253.
Revised Statute 2294				254.
May 26, 1890	355		26: 121	
Mar. 11, 1902	182		32:63	
Mar. 4, 1904	394		33: 59	
Feb. 23, 1923	105		42: 1281	
Revised Statute 2293				255.
Oct. 6, 1917	86		40: 391	
Mar. 4, 1913	149	Only last paragraph of section headed "Public Land Service."	37: 925	256.
May 13, 1932	178		47: 153	256a.
June 16, 1933	99		48: 274	
July 26, 1935	419		49: 504	
June 16, 1937	361		50: 303	
Aug. 27, 1935	770		49: 909	256b.
Sept. 30, 1890	J. Res. 59		26: 684	261.
June 16, 1880	244		21: 287	263.
Apr. 18, 1904	25		33: 589	
Revised Statute 2304				271.
Mar. 1, 1901	674		31: 847	271, 272.
Revised Statute 2305				272.
Feb. 25, 1919	37		40: 1161	272a.
Dec. 28, 1922	19		42: 1067	
Revised Statute 2306				274.
Mar. 3, 1893	208		27: 593	275.

The following words only: "And provided further: That where soldier's additional homestead entries have been made or initiated upon certificate of the Commissioner of the General Land Office of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land; but no person shall be permitted to acquire more than one hundred and sixty acres of public land through the location of any such certificate."

Aug. 18, 1894	301	Only last paragraph of Section headed "Surveying the Public Lands."	23: 397	276.
Revised Statute 2309				277.
Revised Statute 2307				278.
Sept. 21, 1922	357		42:990	
Sept. 27, 1944	421		58: 747	279–283.
June 25, 1946	474		60: 308	279.
May 31, 1947	88		61: 123	279, 280, 282.
June 18, 1954	306		68: 253	279, 282.
June 3, 1948	399		62: 305	283, 284.
Dec. 29, 1916	9	1–8	39: 862	291–298.
Feb. 28, 1931	328		46: 1454	291.
June 9, 1933	53		48: 119	291.
June 6, 1924	274		48: 469	292.
Oct. 25, 1918	195		40: 1016	293.
Sept. 29, 1919	63		41: 287	294, 295.
Mar. 4, 1923	245	2	41: 1445	302.
Aug. 21, 1916	361		39: 518	1075.
Aug. 28, 1937	876	3	50: 875	1181c.
2. Sale and Disposal Laws:				
Mar. 3, 1891	561	9	26: 1099	671.
Revised Statute 2354				673.
Revised Statute 2355				674.
May 18, 1898	344	2	30: 418	675.
Revised Statute 2365				676.
Revised Statute 2357				678.
June 15, 1880	227	3, 4	21: 238	679, 680.
Mar. 2, 1889	381	4	25: 854	681.
Mar. 1, 1907	2286		34: 1052	682.
June 1, 1938	317		52: 609	682a–e.
July 14, 1945	298		59: 467	
June 8, 1954	270		68: 239	
Revised Statute 2361				688.
Revised Statute 2362				689.
Revised Statute 2363				690.
Revised Statute 2368				691.
Revised Statute 2366				692.
Revised Statute 2369				693.
Revised Statute 2370				694.
Revised Statute 2371				695.
Revised Statute 2374				696.
Revised Statute 2372				697.
Feb. 24, 1909	181		35: 645	
May 21, 1926	353	The two provisos only.	44: 591	
Revised Statute 2375				698.
Revised Statute 2376				699.
Mar. 2, 1889	381	1	25: 854	700.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
3. Townsite Reservation and Sale:				
Revised Statute 2380				711.
Revised Statute 2381				712.
Revised Statute 2382				713.
Aug. 24, 1954	904		68: 792	
Revised Statute 2383				714.
Revised Statute 2384				715.
Revised Statute 2386				717.
Revised Statute 2387				718.
Revised Statute 2388				719.
Revised Statute 2389				720.
Revised Statute 2391				721.
Revised Statute 2392				722.
Revised Statute 2393				723.
Revised Statute 2394				724.
Mar. 3, 1877	113	1, 3, 4	19: 392	725–727.
Mar. 3, 1891	561	16	26:1101	728.
July 9, 1914	138		38: 454	730.
Feb. 9, 1903	531		32: 820	731.
4. Drainage Under State Laws:				
May 20, 1908	181	1–7	35: 171	1021–1027.
May 1, 1958	P.L. 85–387		72: 99	1029–1034.
Jan. 17, 1920	47		41: 392	1041–1048.
5. Abandoned Military Reservation:				
July 5, 1884	214	5	23: 104	1074.
Aug. 21, 1916	361		39: 518	1075.
Mar. 3, 1893	208		27: 593	1076.

The following words only; "Provided, That the President is hereby authorized by proclamation to withhold from sale and grant for public use to the municipal corporation in which the same is situated all or any portion of any abandoned military reservation not exceeding twenty acres in one place."

Aug. 23, 1894	314		28: 491	1077, 1078.
Feb. 11, 1903	543		32: 822	1079.
Feb. 15, 1895	92		28: 664	1080, 1077.
Apr. 23, 1904	1496		33: 306	1081.
6. Public Lands; Oklahoma:				
May 2, 1890	182	Last paragraph of sec. 18 and secs. 20, 21, 22, 24, 27.	26: 90	1091–1094, 1096, 1097.
Mar. 3, 1891	543	16	26: 1026	1098.
Aug. 7, 1946	772	1, 2	60: 872	1100–1101.
Aug. 3, 1955	498	1–8	69: 445	1102–1102g.
May 14, 1890	207		26: 109	1111–1117.
Sept. 1, 1893	J. Res. 4		28: 11	1118.
May 11, 1896	168	1, 2	29: 116	1119.
Jan. 18, 1897	62	1–3, 5, 7	29: 490	1131–1134.
June 23, 1897	8		30: 105	
Mar. 1, 1899	328		30: 966	
7. Sales of Isolated Tracts:				
Revised Statute 2455				1171.
Feb. 26, 1895	133		28: 687	
June 27, 1906	3554		34:517	
Mar. 28, 1912	67		37: 77	
Mar. 9, 1928	164		45: 253	
June 28, 1934	865	14	48: 1274	
July 30, 1947	383		61: 630	
Apr. 24, 1928	428		45: 457	1171a
May 23, 1930	313		46: 377	1171b.
Feb. 4, 1919	13		40: 1055	1172.
May 10, 1920	178		41: 595	1173.
Aug. 11, 1921	62		42: 159	1175.
May 19, 1926	337		44: 566	1176.
Feb. 14, 1931	170		46: 1105	1177.
8. Alaska Special Laws:				
Mar 3, 1891	561	11	26: 1099	732.
May 25, 1926	379		44: 629	733–736.
May 29, 1963	P.L. 88–34		77: 52	
July 24, 1947	305		61: 414	738.
May 14, 1898	299	1	30: 409	270.
Mar. 3, 1903	1002		32: 1028	
Apr. 29, 1950	137	1	64: 94	
Aug. 3, 1955	496		69: 444	270, 687a–2.
Apr. 29, 1950	137	2–5	64: 95	270, 270–5.
July 11, 1956	571	2	70: 529	270–6, 270–7, 687a–1.
July 8, 1916	228		39: 352	270–8, 270–9.
June 28, 1918	110		40: 632	270–10, 270–13, 270–14.
July 11, 1956	571	1	70: 528	
Mar. 8, 1922	96	1	42: 415	270–11.
Aug. 23, 1958	P.L. 85–725	1, 4	72: 730	
Aug. 17, 1961	P.L. 87–147		75: 384	270–13.
Oct. 3, 1962	P.L. 87–742		76: 740	
Apr. 13, 1926	121		44: 243	270–15.
Apr. 29, 1950	134	3	64: 93	270–16, 207–17.
May 14, 1898	299	10	30: 413	270–4, 687 to 687l–5.
Mar. 3, 1927	323		44: 1364	
May 26, 1934	357		48: 809	
Aug. 23, 1958	P.L. 85–725	3	72: 730	
Mar. 3, 1891	561	13	26: 1100	687a–6.
Aug. 30, 1949	521		63: 679	687b to 687b–4.
July 19, 1963	P.L. 88–66		77: 80	687b–5.
9. Pittman Underground Water Act:				
Sept. 22, 1922	400		42:1012	356.

(b) Section 7 of the Taylor Grazing Act, 48 Stat. 1272, ch. 865, as amended by section 2 of the Act of June 26, 1936, 49 Stat. 1976, ch. 842, title I, 43 U.S.C. 315f, is further amended to read as follows:

"The Secretary of the Interior is authorized, in his discretion to examine and classify any lands withdrawn or reserved by Executive order of November 26, 1934 (numbered 6910), and amendments thereto, and Executive order of February 5, 1935 (numbered 6964), or within a grazing district, which are more valuable or suitable for any other use than for the use provided for under this Act, or proper for acquisition in satisfaction of any outstanding lien, exchange or land grant, and to open such lands to disposal in accordance with such classification under applicable public land laws. Such lands shall not be subject to disposition until after the same have been classified and opened to disposal.".

(c) Section 2 of the Act of March 8, 1922, 42 Stat. 416, ch. 96, as amended by section 2 of the Act of August 23, 1958, 72 Stat. 730, Public Law 85-725, 43 U.S.C. 270-12, is further amended to read:

"The coal, oil, or gas deposits reserved to the United States in accordance with the Act of March 8, 1922 (52 Stat. 415, ch. 96, as added to by the Act of August 17, 1961, 75 Stat. 384, Public Law 87-147, and amended by the Act of October 3, 1962, 76 Stat. 740, Public Law 87-742), shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine or remove the coal or to drill for and remove the oil or gas under the laws of the United States shall have the right at all times to enter upon the lands patented under the Act of March 8, 1922, as amended, and in accordance with the provisions hereof, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove oil and gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided,* That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided further,* That nothing in this Act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase."

(e) Section 3 of the Act of August 30, 1949, 63 Stat. 679, ch. 521, 43 U.S.C. 687b-2, is amended to read:

"Notwithstanding the provisions of any Act of Congress to the contrary, any person who prospects for, mines, or removes any minerals from any land disposed of under the Act of August 30, 1949 (63 Stat. 679, ch. 521), shall be liable for any damage that may be caused to the value of the land and tangible improvements thereon by such prospecting for, mining, or removal of minerals. Nothing in this section shall be construed to impair any vested right in existence on August 30, 1949.".

SEC. 504. REPEAL OF LAWS RELATING TO ADMINISTRATION OF NATIONAL RESOURCE LANDS.—The following statutes or parts of statutes are repealed:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Mar. 2, 1895	174		28: 744	176.
2. June 28, 1934	865	8	48: 1272	315g.
June 26, 1936	842	3	49: 1976, title I.	
June 19, 1948	548	1	62: 533	
July 9, 1962	P.L. 87-524		76: 140	315g-1.
3. Aug. 24, 1937	744		50: 748	315p.
4. Mar. 3, 1909	271	2d proviso only.	35: 845	772.
June 25, 1910	J. Res. 40		36: 884	
5. June 21, 1934	689		48: 1185	871a.
6. Revised Statute	2447			1151.
Revised Statute	2448			1152.
7. June 6, 1874	223		18: 62	1153, 1154.
8. Jan. 28, 1879	30		20: 274	1155.
9. May 30, 1894	87		28: 84	1156.
10. Revised Statute	2450			1161.
Feb. 27, 1877	69	1	19: 244	
The following words only: "Section twenty-four hundred and fifty is amended by striking out in the fourth line the words 'Secretary of the Treasury' and inserting the words 'Secretary of the Interior' ".				
Revised Statute	2451			1162.
February 27, 1877	69	1	19: 244	
The following words only: "Section twenty-four hundred and fifty-one is amended by striking out, in the first and second lines, the words 'Secretary of the Treasury' and inserting the words 'Secretary of the Interior' ".				
Revised Statute	2456			1163.
Sept. 20, 1922	350		42: 857	
The words: ". . . and sections 2450, 2451, and 2456 be amended to read as follows:" and all words following in the Act.				
Revised Statute	2457			1164.
11. Mar. 3, 1891	561	7	26: 1098	1165.
12. Revised Statute	2471			1191.
Revised Statute	2472			1192.
Revised Statute	2473			1193.
13. July 14, 1960	P.L. 86-649	101-202(a), 203-204(a), 301-303.	74: 506	1361, 1362, 1363-1383.
14. Sept. 26, 1970	P.L. 91-429		84: 885	1362a.
15. July 31, 1939	401	1, 2	53: 1144	

SEC. 505. REPEAL OF LAWS RELATING TO RIGHTS-OF-WAY.—(a) The following statutes or parts of statutes are repealed insofar as they apply to national resource lands:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Revised Statutes 2339				661.
The following words only: "and the right-of-way for the construction of ditches and canals for the purpose herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage."				
Revised Statutes 2340				661.
The following words only: ", or rights to ditches and reservoirs used in connection with such water rights,".				
Feb. 26, 1897	335		29: 599	664.
Mar. 3, 1899	427	1	30: 1233	665, 958 (16 U.S.C. 525).
The following words only: "that in the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right-of-way for a wagon road, railroad, or other highway over and across any forest reservation or reservoir site when in his judgment the public interests will not be injuriously affected thereby."				
Mar. 3, 1875	152		18: 482	934-939.
May 14, 1898	299	2-9	30: 409	942-1 to 924-9.
Feb. 27, 1901	614		31: 815	943.
June 26, 1906	3548		34: 481	944.
Mar. 3, 1891	561	18-21	26: 1101	946-949.
Mar. 4, 1917	184	1	39: 1197	
May 28, 1926	409		44: 668	
Mar. 1, 1921	93		41: 1194	950.
Jan. 13, 1897	11	29: 484	952-955.	
Mar. 3, 1923	219		42: 1437	
Jan. 21, 1895	37	28: 635	28: 635	951, 956, 957.
May 14, 1896	179		29: 120	
May 11, 1898	292		30: 404	
Mar. 4, 1917	184	2	39: 1197	
Feb. 15, 1901	372		31: 790	959 (16 U.S.C. 79, 522).
Mar. 4, 1911	238		36: 1253	961 (16 U.S.C. 5, 420, 523).
Only the last two paragraphs under the subheading "Improvement of the National Forests" under the heading "Forest Service".				
May 27, 1952	338		66: 95	
May 21, 1896	212		29: 127	962-965.
Apr. 12, 1910	155		36: 296	966-970.

(b) Notwithstanding the provisions of subsection (a) of this section, the following statute is repealed in its entirety:

Act of	Chapter	Section	Statute at Large	U.S. Code
Revised Statute 247				43 U.S.C. 932.

The ACTING PRESIDENT pro tempore. The time for debate on this bill shall be limited to 2 hours, to be equally divided and controlled by the majority leader and the minority leader, with 30 minutes on any amendment, except an amendment to be offered by the Senator from Idaho (Mr. MCCLURE) on which there will be 2 hours, and 10 minutes on any debatable motion or appeal.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the majority leader, I yield such time under his control to the Senator from Washington (Mr. JACKSON) as he may require.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, today

the Senate considers S. 424, the National Resource Lands Management Act, reported unanimously by the Committee on Interior and Insular Affairs.

The purpose of S. 424 is to provide the first comprehensive statement of congressional goals, objectives, and authority for the use and management of 451 million acres of federally owned lands administered by the Secretary of the Interior through the Bureau of Land Management.

The Federal Government has long overlooked this valuable resource. These lands comprise 20 percent of our entire land base and 60 percent of all Federal property. The neglect of our largest single block of federally owned lands must come to an immediate halt. Unfortunately, Mr. President, the Congress must share the blame for the lack of proper attention to these lands. Over the years we have legislated rather extensively concerning other Federal land systems, such as the national forests, parks, wildlife refuges, and wilderness systems; but in my judgment—and in the judgment of the Interior Committee—we have failed to provide adequate statutory protection for the greatest public land resource . . . the national resource lands.

The public lands of the United States have always provided the arena in which we Americans have struggled to fulfill our dreams. Even today many dreams of wealth, adventure, and escape are still being acted out on these farflung lands. They are a part of our national destiny. They belong to all Americans.

What we do with the public lands of the United States tells a great deal about what we are—what we care for—and what is to become of us as a Nation.

Until recently the lands under the jurisdiction of the Bureau of Land Management—for the most part—have been neglected lands. They were the leftovers from which were carved lands for homesteading, parks, forests, or other uses considered more important. They have not even been dignified with a name other than public domain. Other Federal lands have been given titles which befit their importance—such as national parks, national forests, and national seashores. Therefore, the very first section of S. 424 would give these lands the name of "national resource lands." Hopefully, this symbolic gesture of respect will complement the numerous, necessary authorities which S. 424 would provide for the management of these lands.

Until the 20th century and the establishment of the national park, forest, and other Federal land systems, nearly all the Federal lands were in the category of what this act designates as national resource lands. Although the establishment of the various Federal land systems presaged the end of the era of wholesale disposal of Federal lands, it was only with the Taylor Grazing Act of 1934 that the general policy of disposal of national resource lands was altered.

The Bureau of Land Management, the agency charged with the task of administering the national resource lands, is the successor agency to the General Land Office. The act of April 25, 1812, established the Office as a bureau of the Treasury Department. The Office was transferred to the Department of the Interior when that Department was created in 1849. Passage of the Taylor Grazing Act led to the establishment of the Grazing Service to manage grazing districts authorized under the act. In 1946, the General Land Office and the Grazing Service were combined to form the Bureau of Land Management.

Although many areas within the national resource lands tend to be less desirable from a recreational or scenic point of view than the lands already selected for inclusion in the national systems, our country's expanding, and more mobile population has placed increasing demands for public use on these lands. In addition, our Nation's economy requires the fuels, minerals, timber, and forage resources on and under the national resource lands. In order to meet these demands, the Bureau of Land Management has fully adopted the retention philosophy and is managing those lands so as to provide for a wide variety of uses.

However, the Bureau's efforts have been impeded by its dependence on a vast number of outmoded public land laws which were enacted in earlier periods in American history when disposal and largely uncontrolled development of the public domain were the dominant themes. The agencies which have jurisdiction over the national system possess modern statutory mandates which reflect changing philosophies toward management of the Federal lands. The Organic Act of the Forest Service, first passed in 1897, and amended thereafter, remains a modern mandate, particularly when supplemented by the Multiple-Use Sustained-Yield Act of 1960. The Park Service's Organic Act of 1916 has been renewed through amendments and through individual acts creating national parks. The existence of these laws makes the lack of a similar statutory base for the Bureau of Land Management more conspicuous in its absence.

The lack of a modern management mandate for the Bureau of Land Management and its dependence on some 3,000 public land laws, many of which are clearly antiquated, were among the reasons for congressional recognition of a need to review and reassess the entire body of law governing Federal lands. This review was begun when, on September 19, 1964, Congress created the Public Land Law Review Commission.

After 5 years of extensive investigations, the Commission completed its review and submitted its final report, entitled "One Third of the Nation's Land," to the President and the Congress on June 20, 1970. The report contains 137 numbered, and several hundred unnumbered, recommendations designed to improve the Federal Government's custodianship of the Federal lands. Principal among these recommendations is the Commission's view that:

> The policy of large-scale disposal of public lands reflected by the majority of statutes in force today [should] be revised and that future disposal should be only those lands that will achieve maximum benefit for the general public in non-Federal ownership, while retaining in Federal ownership those whose values must be preserved so that they may be used and enjoyed by all Americans.

In addition, the Commission emphasized a need to develop "a clear set of goals for the management and use of public lands—particularly—(for) lands administered by the Bureau of Land Management." The Commission's report stated specifically that:

> A congressional statement of policy goals and objectives for the management and use of public lands is needed to give focus and direction to the planning process.

S. 424, as ordered reported, is in accordance with over 100 recommendations of the Public Land Law Review Commission report.

Among the principal goals and objectives recommended by the Commission and established by S. 424 are retention of the national resource lands in Federal ownership and management of these lands under principles of multiple use and sustained yield in a manner which will assure the quality of their environment for present and future generations.

In addition, the bill answers the call of the Commission for a clear statement of goals and objectives by which these lands must be managed.

S. 424 also directs the Secretary of the Interior to prepare and maintain an inventory of the national resource lands and their resources. Congressional recognition of the importance of such authority for proper management of the national resource lands has been long standing, as demonstrated by the passage of the 1964 Classification and Multiple Use Act. That act contained temporary authority providing the Bureau of Land Management with criteria to conduct a systematic effort to classify lands. However, this authority expired on December 23, 1970, and unless we enact S. 424, the Bureau of Land Management will continue to lack the necessary authority to properly manage the national resource lands.

Mr. President, we must enact S. 424 this Congress. It has been 10 years since the creation of the Public Land Law Review Commission, 5 years since the submission of its report and the expiration of the Classification and Multiple-Use Act, 3 years since I first introduced a National Resource Lands Management Act, and 2 years since the Senate Interior Committee reported S. 424's predecessor. It would not be in the public interest to delay further.

Mr. President, S. 424 is a fine example of a bipartisan effort. I wish to thank my Republican colleagues on the Interior Committee for their assistance in reporting S. 424. Their cooperation resulted in the unanimous vote to report the measure. S. 424 contains many of the provisions of S. 1041, the President's proposal, and it also enjoys the full support of the administration.

Mr. President, I commend S. 424 to my colleagues and ask for their favorable vote so that we may expedite its enactment.

Mr. President, I ask unanimous consent that the brief summary of the bill from the Committee report be printed in the RECORD at this point.

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

S. 424 would facilitate better management of the national resource lands by eliminating the dependence of the Bureau of Land Management on this crazy-quilt pattern of land laws and providing instead, in one statute, an orderly, systematic, planned approach to land management, with guidelines, criteria, and basic procedures.

The introductory sections of S. 424 establish the basic management policies; Titles I, II, III, and IV provides the tools to implement those policies; and Title V repeals a number of the 3,000 public land laws which either are obsolete or conflict with the provisions of S. 424, as ordered reported.

The introductory sections require that the national resource lands be managed in accordance with the principles of multiple use and sustained yield and define these principles. In addition, they establish the policy that, except where disposal is consistent with the purposes and conditions of the Act, the national resource lands will be retained in Federal ownership. Among other policies elucidated in these sections are a fair return to the United States for the use of the national resource lands; full public participation, including hearings and the use of advisory boards, in decisionmaking concerning those lands; and coordination of the decisionmaking with State and local land use planning.

Title I provides the general management authority. It directs the Secretary of the Interior to prepare and maintain an inventory of the national resource lands, review those lands for potential wilderness areas, develop land use plans, and manage the lands in accordance with the plans.

Title II provides the basic authority and guidelines for both conveying and acquiring national resource lands or interest in lands. Consistent with the retention policy, the guidelines for disposal of national resource lands limit such disposals to instances in which the public interest to be served by disposal clearly outweighs the interest to be served by retention. Disposals could still occur under certain other statutes such as the Desert Land Act,[1] the Recreation and Public Purposes Act,[2] and the various laws providing for grants of lands to the States. The title requires that, with certain exceptions, lands to be disposed of must be sold at fair market value, under competitive bidding, and with the mineral interest retained in Federal ownership. Authority is provided to sell reserved mineral interests when the reservation interferes with non-mineral development which constitutes a more beneficial use of the land than mineral development. These mineral interests would revert to Federal ownership if mineral development were ever initiated. In addition, the Secretary of the Interior is required to insure that lands are not conveyed in conflict with State and local land use controls and to insert in the patents of conveyed lands conditions to insure proper land use and protection of the public interest. Title II also provides authority to issue documents of disclaimer when the United States has no interest in certain lands and to correct documents of conveyance. Finally, the title provides guidelines for the acquisition of additional national resource lands, but sharply circumscribes acquisition by condemnation to the single purpose of providing access to national resource lands.

Title III provides a number of specific management and enforcement authorities. In part, this title reenacts the Public Land Administration Act,[3] omitting provisions which are obsolete. It contains provisions concerning studies; investigations; cooperative agreements; contributions of money, services, or property; service charges; reimbursement payments; and excess payments. Perhaps, the most important management provisions provide for the establishment of a working capital fund; for the posting of bonds or other security by resource developers or permittees to insure compliance with contracts or regulations and to protect national resource lands; and for the maintenance, or payment for maintenance, of roads, trails, lands, or facilities by their users. The enforcement provisions include criminal penalties for violation of national resource lands regulations; arrest, search and seizure authority for departmental personnel to enforce laws and regulations relating to lands or resources managed by the Secretary of the Interior; and authority for the Secretary to contract with State and local officials to provide more general law enforcement on the national resource lands.

Title IV provides uniform and comprehensive authority to the Secretary to grant rights-of-way on the national resource lands for such purposes as roads, trails, canals, and powerlines. It is patterned after the Act of November 16, 1973; [4] but it does not provide new authority to grant rights-of-way for oil and gas pipelines as this authority is contained in that Act. The title contains provisions concerning, among other things, right-of-way corridors and the granting of rights-of-way in common; terms and conditions of rights-of-way, including extent of liability of rights-of-way holders and the Federal Government; divulgence of information by rights-of-way applicants; suspension or limitation of rights-of-way; and grants of rights-of-way to other Federal agencies.

Title V contains a list of laws to be repealed or amended. It explicitly preserves rights existing under these laws at the time of enactment of S. 424. In addition, it contains a series of savings clauses to insure that water rights and water resources projects, interstate compacts, State criminal statutes and police power, and State wildlife and fish responsibilities are not affected by the bill.

The list of laws to be repealed is specific. The bill would not repeal or modify any law or segment of law not specifically contained in that list. For example, S. 424 does not repeal the Desert Land Act,[5] the Recreation and Public Purposes Act,[6] the Color of Title Act,[7] the grazing provisions of the Taylor Grazing Act,[8] laws affecting the reverted Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, the mining laws, the Outer Continental Shelf Lands Act,[9] or legislation dealing with other Federal land systems such as the national forests, wildlife refuges, or parks.

FOOTNOTES

[1] 19 Stat. 377.
[2] 44 Stat. 741.
[3] 74 Stat. 506.
[4] 87 Stat. 576.
[5] 19 Stat. 377.
[6] 44 Stat. 741.
[7] 45 Stat. 1069.
[8] 48 Stat. 1269.
[9] 67 Stat. 462.

Mr. JACKSON. Mr. President, I ask unanimous consent that Jerry Verkler, staff director, and Steven Quarles, William Van Ness and Michael Harvey of the professional staff be granted the privilege of the floor during the consideration of S. 424.

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

Mr. HANSEN. Mr. President, I ask unanimous consent that during the discussion and any votes on S. 424, Harrison Loesch, Fred Craft, Doug Smith, and Brent Kunz may have the privilege of the floor.

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

QUORUM CALL

Mr. HANSEN. Mr. President, I ask unanimous consent that there be a quorum call, with the time equally divided.

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

ORDER FOR NO ROLLCALL VOTES TO OCCUR BEFORE 4:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that any rollcall votes ordered prior to the hour of 3:30 p.m. today not occur before the hour of 4:30 p.m. today.

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

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that he presented to the President of the United States the following enrolled bills and joint resolution:

On June 28, 1974:

S. 3705. An act to amend title 38, United States Code, to provide for a 10-year delimiting period for the pursuit of educational programs by veterans, wives, and widows;

On July 3, 1974:

S. 3458. An act to continue domestic food assistance programs, and for other purposes; and

S.J. Res. 202. A joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations.

RECESS UNTIL 2:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m. today, with the time to be charged equally against both sides on the bill.

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

Accordingly, at 12:57 p.m., the Senate took a recess until 2:30 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. HELMS).

NATIONAL RESOURCE LANDS MANAGEMENT ACT

The Senate continued with the consideration of the bill (S. 424) to provide for the management, protection, and development of the natural resource lands, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. JACKSON, I yield 10 min-

utes to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Washington has no time remaining on the bill.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be 10 minutes additional allotted to each side.

The PRESIDING OFFICER. There being no objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I now yield 10 minutes to the Senator from Colorado.

Mr. HASKELL. Mr. President, I thank the Senator.

I would like to speak briefly today on behalf of S. 424 which provides the Department of the Interior with essential management powers to manage Federal lands.

When you take into consideration that natural resource lands constitute approximately one-fifth of our entire land base of the United States, and two-thirds of all Federal lands, the significance of this bill becomes obvious.

I must say that last year when this bill first came before the Interior Committee I did not see the importance of it. However, subsequent to that time it became clear to me that if we did not give the Department of the Interior adequate authority to manage public lands, the public lands could be used in a manner which might not be of benefit to all the people of the Nation.

Furthermore, unless we give them proper authority, artifacts on the public lands, facilities on the public lands, the environment and productivity of the public lands, will continue to be destroyed—they are being destroyed now—and, for this reason, having gone through all the hearings and having talked privately with members of the Department of the Interior, and finding out their problems, it seems to me that this bill is of the utmost urgency.

When one thinks that the U.S. Forest Service had a comparable act back in 1897, and that the National Park Service's Basic Management Act was enacted in 1916, it is evident that this bill to manage the national resource lands is more than overdue.

I would like to take this opportunity to reassure the various users of the natural resource lands—and these people include those who graze cattle, it includes people who mine, it includes people who use public lands for recreation—that none of their rights or privileges are being adversely affected.

I would like to state, Mr. President, just briefly that great tribute goes to two men in conceiving this act. The first person to whom I would like to pay tribute is former Congressman Wayne Aspinall from my State of Colorado. He served in the Congress for 24 years, and no man has devoted more time or accomplished more in the effort to provide a truly effective statutory base for public land management than Congressman Aspinall.

Briefly, to list his legislative accomplishments, he was chairman of the Committee on Interior and Insular Affairs in the House of Representatives. In addition to that he was the driving force behind the creation of the Public Land Law Review Commission which may, in fact, be his greatest and most lasting monument. Mr. Aspinall conceived of this Commission, argued forcefully for its need, both in Congress and with the executive, and wrote and successfully fought for the 1964 act that created it.

Second, I would like to pay tribute to the distinguished Senator from Washington (Mr. JACKSON), the chairman of the full Interior Committee, who first introduced the Natural Resource Lands Management Act on February 4, 1970, the year the Public Land Law Review Commission's report was submitted.

Senator JACKSON has since been the principal proponent for this legislation. He has now succeeded in having it reported twice from the Interior Committee.

I truly hope, Mr. President, that this year this bill will be passed by the Congress and will be signed into law.

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

The PRESIDING OFFICER. On whose time?

Mr. HASKELL. On the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold his request?

Mr. HASKELL. Mr. President, I withhold my request.

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

On page 29, line 3, insert the following:

"(c) No provision of this Act shall in any way amend, limit, or infringe on the existing laws providing grants of land to the States."

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield myself 10 minutes on this amendment.

Mr. President, we have had this proposed act reviewed by the Department of Natural Resources of the State of Alaska, and it is the opinion of the Commissioner of Natural Resources of the State of Alaska that, if enacted, this act would abolish the State of Alaska's freedom of choice in its selection of lands under the Alaska Statehood Act.

This comes about because of the provisions of section 2(a) defining natural resource lands as lands that are now or hereafter administered by the Bureau of Land Management.

The lands which have been provided to the State of Alaska under the Alaska Statehood Act are lands that our State has the right to select, and the selections have not been completed.

It is the feeling of our department of natural resources that under this section, which is carried on in section 202, the Secretary could also revise land use plans and do so in ways to interfere with the selection rights of the State of Alaska.

I might add that my amendment deals not only with Alaskan lands but all lands which are granted to any of the States that are the public land States.

I understand that the distinguished Senator from Washington (Mr. JACKSON) would like to comment on the matter later and, perhaps, we can clarify this matter so that the adoption of my amendment will not be necessary. But, as the matter stands now until there is a strong legislative history indicating no intent to in any way amend, limit or infringe upon the laws that provide for grants of land to the Western States, I would have to offer the amendment.

Mr. President, I wish to parenthetically make some other statements. I am seriously worried about this bill. I may offer an amendment later to deal with the area of my great concern. This is probably a milestone in the area of public land legislation because, if I understand the bill correctly, it completely repeals all homestead laws of the United States.

My State has one-half of all public land left in the United States. Even after the State of Alaska completes its selections of lands, there will be over 60 percent of the State of Alaska owned by the Federal Government.

The philosophy of the bill is that this Federal land will be sold at a price which is to be established on a fair market value concept. If this understanding is correct, I cannot understand the direction we are taking which would shut off public lands to those people who are willing to put in what we call "sweat equity," as they have in the past.

I hope to explore this matter further with the sponsors of the bill after we dispose of the other amendments.

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

Mr. STEVENS. I yield.

Mr. McCLURE. On that point it is my understanding of the thrust of the bill that we are no longer saying there is free public domain available to whomever may wish to take it up; that the resources of our country are sufficiently limited at this time that the Federal Government will make the decision as to what resources shall pass to private hands, relative to the free access that was available under the Homestead Act and several other acts.

The reason I sketch that background is that 100 years ago we had national goals covering those lands, to make them available to whoever was willing to have sweat equity, and the person who wanted to make the investment would have the right to make the determination to do so. We enacted the Homestead Act, which was done under the administration of Abraham Lincoln, and later the Desert Land Act, and others. The Desert Land Act became a focus of disagreement in the committee and under the leadership of the Senator from Idaho (Mr. CHURCH) and me that repeal for the Desert Land Act was taken out and the Desert Land Act is still a matter of major importance in any State where we have available land and water.

Mr. STEVENS. Mr. President, I wish to say to my good friend that as a former member of the Committee on Interior and Insular Affairs I appreciate that statement. Had I been on the committee, I would have taken out the provision to repeal the Homestead Act in Alaska. I do not understand why the Federal Government should own over 260 million acres in one State, one-half of the land owned by the Federal Government, with no way for a man to come into that land except by cash. To me this is abhorrent—

we should use public lands to encourage people to make a new life for themselves. We have plenty of land like that in Alaska. We have had problems with homesteading, because of problems associated with period for land claims and statehood grants selection. But once that period is passed, I would hope there still would be a day when someone who had the sheer guts to go to our part of the country and make a home for himself and his family could do so without paying the Federal Government in cash for the Federal land.

I am sorry I was not notified—well, I was notified; I just did not realize that this total repealer of the Alaska Homestead Act was included. I never would have agreed to the unanimous-consent agreement if I had.

Mr. McCLURE. Mr. President, will the Senator yield further?

Mr. STEVENS. I yield.

Mr. McCLURE. I agree with the Senator's feelings concerning the rights of individuals and the desirability of having individuals who have the courage and the foresight and willingness to invest a lot of hard labor in wrestling this land from its actual condition and into a more productive situation for themselves and for the Nation. That probably applies now only in Alaska. The Federal Government can and should have the right to classify lands suitable for such homestead entry and reserve those that are not.

The State of Alaska has a unique problem with unique opportunities for some of our people to make something for themselves.

But about 20 years ago there started a philosophy which has been embedded in land management agencies in the Federal Government, which states that if anyone manages to take any of the natural resources and convert them to his use and make a profit, the taxpayers have been cheated. It is the basic philosophy that has guided the bureaucracy for the last 20 years. That is the genesis of the wholesale repealer of the right of any citizen to freely use any natural resource.

While that may have some application in some States, it should not have application in all States, and the State of Alaska is an exception that should be recognized.

Mr. STEVENS. I thank the Senator. I wish to make one reference to the report. It states that homesteading in Alaska has been precluded by the Alaskan Statehood Act and the Alaskan Native Claims Settlement Act "where under most of the suitable agricultural land will be appropriated."

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. STEVENS. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. There are a great many lands in Alaska that are today withdrawn for specific purposes, such as military reservations, which may not be there forever, and for wildlife reservations, or other specific withdrawals, so that if they are revoked they will be very suitable for farming and homesteading in the future.

I seriously question the application of this repealer to Alaska as far as the homestead law is concerned.

Mr. HASKELL. Mr. President, I would like to briefly respond to the distinguished Senator from Alaska.

First, as to the Senator's proposed amendment to S. 424, it would not affect the rights of the State of Alaska to make selections under its Statehood Act or the right of any other State to weigh the price made to it by the Federal Government. The bill does not repeal any of the Statehood Acts.

Furthermore, the disposal criteria set out in section 202 apply to transfers out of the Federal ownership under this act. Therefore, the existing rights of the various States, including Alaska, are protected.

It is for these reasons, it would be my position that the amendment of the Senator from Alaska, not being necessary, would be undesirable to adopt. We may differ on that.

Mr. STEVENS. Mr. President, will the Senator yield at that point?

Mr. HASKELL. I yield.

Mr. STEVENS. If it causes no harm, I do not know why we should not put it in as a matter of protection for the States.

I wish to ask the Senator a question. Is it the position of the committee that the management of Federal lands, currently public lands—that the selection rights of the grants to States under their Statehood Act, are in no way affected by the change in classification? Is there any power under this act whereby the Secretary could preclude a State from taking section 16 and 36, for the States that got the designated land grants, or for States which are in the State selection process, as was given to my State—could the Secretary preclude the State, from its rights under the Statehood Act?

If the answer is no, I would be happy to withdraw the amendment.

Mr. HASKELL. In my opinion, the answer is unequivocably no.

Mr. STEVENS. Does the Senator agree with that as a member of the committee?

Mr. HANSEN. As nearly as the Senator from Wyoming understands it, he agrees with the Senator from Colorado that it does not in any way jeopardize the right of the State of Alaska.

Mr. STEVENS. Mr. President, I am not just talking about the State of Alaska. That is my problem. But I believe it would affect section 16 and 36 of the State grants to other States made prior to the admission in my State, if my concern is a valid one.

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

Mr. HANSEN. I do not have the floor.

Mr. STEVENS. I do not think I have any time.

Mr. HASKELL. Mr. President, do I have time?

The PRESIDING OFFICER. The Senator has 12 minutes remaining on his amendment.

Mr. HASKELL. On the amendment of the Senator from Alaska?

The PRESIDING OFFICER. That is correct.

Mr. HASKELL. I will be glad to yield to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

I only want to make this comment: As I understand what the Senator from Alaska is trying to elicit, it is whether there is anything in the act which affirmatively states that there is nothing which interferes with prior selection process guarantees. I think that it would be fair to say that the act is silent on that point, that there is nothing in the act which purports to interfere with those rights, but I am not certain it would be fair to say that the act does not, by implication, at least, raise some question.

I think the Senator is right in raising this question on the floor. However, I think to the degree that we can, by legislative history, remove any doubt of that being the committee's intention we should do so. It was not our intention in any way to restrict the rights of prior rights granted to the States for the selection of State lands.

Mr. HASKELL. May I call two things to the attention of the distinguished Senator from Alaska? I hope this will reassure him on this point, because there certainly was no intent in the legislation to, in any way, shape or form, affect the rights of States to land previously granted to them or under their jurisdiction. I refer first to the section 502 of the bill, entitled "Valid Existing Rights."

All actions by the Secretary under this Act shall be subject to valid existing rights.

Mr. STEVENS. Will the Senator yield right there?

Mr. HASKELL. Not yet. I want to finish.

Then in the committee report on page 60, I refer to the description of section 502, which says:

This section provides the necessary assurance that valid existing rights will not be sacrificed by any action the Secretary might take. . . .

I yield to the Senator.

Mr. STEVENS. My problem is we do not have any rights in those lands until we exercise our selection. They remain national lands until the State designates the area it wants to select, and the selections have been approved by the Secretary. In the interim, following the enactment of this act, and prior to the completion of the selection process, they become national resource lands.

I understand the committee's stated intent not to interfere in any way with the selection process. Under those circumstances, I fail to see why we should not put a very clear statement in the bill as indicated in my amendment, that nothing is intended to infringe, amend, or impair the rights of the States under their grants under the Statehood Acts.

If that is the clear intent and it does no harm to the intent of the committee, why do we not put it in?

We have great fear of this. We have seen withdrawals. We saw a withdrawal of our whole State at the time we were fighting over the Alaska Native Claims

Settlement Act. That held up our State selections for some 5 years.

Mr. President, are we to have a new classification here—lands which, by their very nature, some court is going to say require a plan or require some new concept to be followed before the State can select the lands that were given it by the Federal Government under the Statehood Act?

Mr. HASKELL. The problem, Mr. President, if I may say to the distinguished Senator from Alaska, that I have with his amendment is that he zeros in on "no way infringe on existing laws, providing grants of lands to the States."

Does that raise, by inference, the question that we have infringed other laws, laws that provide other than grants of land to the States? I do not see how we can be any more clear than we are in the bill in saying that everything the Secretary does under this act shall be subject to valid existing rights without in fact listing every single one of the some 3,000 public lands which are not repealed by this act.

I would assume that the State of Alaska had an existing right to select these lands that the Senator from Alaska is talking about.

Mr. STEVENS. We have no existing rights in the lands yet. We have a right to select the lands.

Mr. HASKELL. That is correct. But I think the State of the Senator has a vested right to select the acreage of land granted in the Alaska Statehood Act. I do not know how to be any clearer than this which says, "subject to valid existing rights." It does not say "rights in land;" it says "rights." That includes rights in lands, the right of contract, or any other right.

I would oppose the Senator's amendment on the basis that if we are going to zero in and just say that we do not infringe upon existing laws providing grants of lands to States, we have to go through a whole lot of other statutes to see what other rights must there be that we must also say we do not infringe upon. That is why I think it would be better to use the broad language that is currently in the bill.

Mr. President, I respectfully submit this to the Senator from Alaska and hope that he will take it under consideration.

Mr. STEVENS. Mr. President, I must say with all gratitude for the Senator's statements, that my fear remains. My fear comes from having spent over 4 years in the Department of Interior as a solicitor and assistant to the Secretary of Interior. I think I know some of the desires that hit people in those offices. One of the desires may well be to limit the State of Alaska in terms of its selection of 103.5 million acres of land. It sounds like a lot of land to many people. It happens to be, as I said, about 30 percent of our State. A great portion of it is going to end up by being mountain tops.

Mr. President, we do not want to see ourselves get painted into a corner by providing that the Secretary, in exercising some new power, can regulate the selection rights to the point where they are of little value. I think this reassurance that we seek is a reasonable one. It is not in any way contrary to the stated intent of the committee. I cannot see any reason not to offer the amendment.

Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Alaska has 2 minutes remaining. The Senator from Colorado has 8 minutes remaining.

Mr. STEVENS. Mr. President, let me yield myself 2 more minutes.

I see the Senator from Montana is present. I remember a case involving some other Western States where the statehood school selections were temporarily frustrated by the creation of Indian reservations. I take it that the Secretary of Interior still maintains authority to deal with the preservation of Indian rights in the West. Those are existing rights, as I would understand the section mentioned by the Senator from Colorado.

But if in doing so he interferes with the grant in a statehood bill, exercising the rights under this act, then I think we have failed in not properly protecting those States who have relied upon the commitment of the Federal Government to give them a land base for their statehood.

Mr. HASKELL. Mr. President, if I might say to the Senator from Alaska in closing, I will mention page 38 of the report. Again I am dealing with legislative history:

> Other disposal authorities not specifically repealed in title V will, of course, continue in effect. Among the other authorities are—

And I will skip a few to go down to the last one—

> And various laws providing grants of lands to the States.

Mr. President, I just say that in an attempt to reassure my friend from Alaska that his problem is taken care of.

Mr. STEVENS. Mr. President, maybe I am not articulating my problem well enough for my friend from Colorado.

Will the gentleman yield 1 minute to me?

Mr. HASKELL. I will be delighted to.

Mr. STEVENS. We are not afraid of losing the right to select the land. We are fearful that the Secretary, in exercising the new authorities under this act, would prevent us from selecting land that we want so that our selection would have to be on land that was remaining after exercising authorities under this new organic act for BLM. That would be unusable land, as far as we are concerned.

Mr. HASKELL. All I can say, Mr. President, to the distinguished Senator from Alaska is that I do not see anything in this bill that would allow the Secretary really to defeat the whole purpose of the Alaskan Statehood Act. I see absolutely nothing in here that would allow the Secretary to put aside acreage so that the State of Alaska could not select it. I cannot agree with the Senator from Alaska.

Mr. STEVENS. At the time I helped prepare the Alaska Statehood Act, it said that we could select vacant, unreserved, and unappropriated Federal land. We thought that meant the lands that had not been reserved as of the date of Statehood. Since statehood, the Secretary has, in fact, reserved new lands; and those reservations did, in fact, prevent us from selecting many of the lands reserved after the enactment of the statehood bill, and that has been upheld in the courts.

Here we have a new act, and it gives him new and broader powers to deal with public lands.

We do not want to be frustrated any further in the rights granted us by the Federal Government. I understand the Senator from Colorado's position when he says our rights are not affected. It is the exercise of those rights that we want to protect.

Mr. HASKELL. I am informed—obviously, the Senator from Alaska knows the Alaskan Native Claims Settlement Act far better than I—that in that act 80 million acres were allowed to be withdrawn or reserved, and there is no such authority here. I am speaking out of my territory, because the Senator from Alaska knows that act in and out, and I do not.

In this bill, I cannot see any authority granted to the Secretary that could in any way affect the rights of Alaska to select.

Mr. STEVENS. The Senator mentioned the 80-million-acre provision of section 17 of the Alaskan Native Land Claims Settlement Act, which gave the Secretary the right to withdraw 80 million acres. As a matter of fact, he withdrew 103 million under the provision of that section, and he did withdraw some lands that the State of Alaska already had designated that it wanted.

We do not want this process to go any further under the new act. Whatever authority he has had to frustrate us in the past, he is exercising existing law, and we are battling some of these things in court.

There is now a lawsuit between the State of Alaska and the Federal Government over whether the Secretary had the authority to frustrate our selections as he has done in the past. We ask that this act does not give him greater authority to frustrate our State. We are only into statehood 15 years, and Congress gave us 25 years to select those lands. So we have another 10 years in which to exercise these rights.

I do not think the committee has affected the existing rights. I do think the committee raises the question of whether the exercise of our rights in the future is protected unless there is a disclaimer of this act.

I am not asking to repeal all the laws under which the Secretary acted in frustrating us in the past. I am asking that this act give him no authority to frustrate the State of Alaska in the future.

Mr. HASKELL. I would appreciate it if the Senator from Wyoming would say what his interpretation is. My interpretation of the act—and on behalf of the committee—is that there is no intention whatever to give—and so far as I can

see, the act does not in any way give—the Secretary any greater rights in the area the Senator from Alaska is talking about than the Secretary already has. What he already has, he has.

I would like very much to hear from the Senator from Wyoming as to his interpretation.

Mr. HANSEN. I thank the distinguished Senator from Colorado.

Mr. President, in order to be as helpful as I can, and in order to add to the weight and impact of legislative history, let me echo the observations and conclusions just made by the Senator from Colorado. As I understand this bill, it contains nothing which would restrict the State of Alaska or any other State in exercising all such rights as it or as other States may have in selecting federally owned lands.

In the State of Wyoming, as is true in many of the Western States, for one reason or another, the States have the right to select Federal lands. Part of the right arises from the fact that Federal reclamation projects may have inundated State-owned lands along with federally owned lands. As I understand the situation, in that instance and in similar instances, for whatever reasons may exist, the States have the right to select lands from the Federal real estate holdings to compensate them for the loss of State-owned lands. I believe that sometimes exchanges have been made, when Federal reservations of one kind or another have included State-owned lands, and the States were accorded the privilege and the right of selecting federally owned lands.

For what help it may be, I say to the Senator from Alaska that I interpret this act as has been well expressed by the Senator from Colorado.

Mr. McCLURE. Mr. President, will the Senator yield for a question?

Mr. HASKELL. I yield.

The PRESIDING OFFICER. Time on the amendment has expired. Who yields time?

Mr. McCLURE. Mr. President, what is the time situation on the bill?

The PRESIDING OFFICER. The Senator from Wyoming has 21 minutes remaining on the bill. For the information of the Senator from Colorado, he has 4 minutes.

Mr. STEVENS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. It is my understanding that there is an agreement that there will be no votes on any amendments prior to 3:30 p.m. today.

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Will my amendment automatically go over until that time, if I desire a roll call vote?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, is it in order for me to ask unanimous consent that that amendment be taken up after the McClure amendments?

The PRESIDING OFFICER. It is in order.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment concerning statehood grants be taken up for disposal at that time—I understood that it would be in order at that time to ask for a few additional minutes, when the chairman of the committee is here.

Mr. HASKELL. I have no objection.

The PRESIDING OFFICER. If there is time on the bill.

Is there objection to the request of the Senator from Alaska? The Chair hears none, and it is so ordered.

Mr. STEVENS. Mr. President, let me offer another amendment, and then we can take the time from the time on that amendment.

Mr. McCLURE. All right.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 69, line 3, delete subsection (b) and the table that follows.

Mr. STEVENS. Mr. President, I am happy to yield to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, the question I have is with respect to the first amendment offered by the Senator from Alaska and the effect of section 103 in this bill—whether or not the development of a land-use plan under the provisions of this act might operate to restrict the latitude of the State's selection discretion. In other words if a land use plan were adopted pursuant to section 103, in which certain designations were made, would that in any way limit the State's right to make selections guaranteed to it by prior acts?

If either the Senator from Wyoming or the Senator from Colorado could respond to that question, I think it is important in the context of the concerns expressed by the Senator from Alaska.

Mr. STEVENS. I might say to the Senator from Idaho that that was one of the specific concerns raised by the commissioner of natural resources of the State of Alaska, because he felt that the Secretary could develop, maintain, or revise a land use plan in a manner so as to prohibit or restrict the selection by the State of Alaska of lands otherwise available to it prior to the enactment of this act.

Mr. HASKELL. Mr. President, referring to section 202 and disposal criteria, line 8, we are talking about disposal "under this Act." This provides for methods of disposal under S. 424, and only under S. 424. It does not provide for methods of disposal otherwise in accordance with laws not repealed in title V of S. 424. I think that is quite clear in this bill.

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

Mr. STEVENS. I yield.

Mr. McCLURE I think there is no doubt that the disposal section is so limited; but is the land-use planning section, section 103, so limited, in which we are not talking about disposal under this statute? We are talking about disposal by operation of a different statute, of earlier date, which is not affected by section 202—specifically not affected by section 202. But does section 103 have such an effect?

I think the Senator from Alaska is entitled to a very clear answer on that question.

Mr. HASKELL. I would then say to both the Senator from Idaho and the Senator from Alaska, we have to take, in my opinion, the entire bill in the light of one of the very last sections of the bill—section 502—that section says:

All actions by the Secretary under this Act shall be subject to valid existing rights.

As I read the bill, the intention is that no existing rights would be affected, and we can best see it by this section 502, which controls all the previous sections.

Mr. McCLURE. Would the Senator yield so that I might understand correctly?

That is, I would understand the Senator from Colorado then as saying that if the Secretary developed under section 103 a plan which was in any way in conflict with the right of the State to make a selection, the right of the State to make the selection would supersede the plan adopted by the Secretary?

Mr. HASKELL. I agree wholeheartedly with the Senator from Idaho.

Mr. McCLURE. I thank the Senator.

Mr. STEVENS. I only wish the Senator from Idaho and the Senator from Colorado were sitting on the Supreme Court at the time the case comes up.

Having lived through a few of these assurances, through legislative history, again, as to the prior amendment, I merely ask, if it is the intent of the committee, why not give my State this assurance?

I think they have gone to great lengths to review the bill and try to be positive about it. We have no critical comments about the intent of the bill, we are just trying to see that what we were told future citizens of Alaska would have is not being impaired by the intent to modify and strengthen the Secretary's authority in the area of the public land.

Let me turn to this new amendment and explain it.

Mr. President, this bill repeals the Revised Statutes, section 2477. That statute is the statute that the Western States have used to acquire rights-of-way for highways and public roads through Federal lands.

I agree that we have now turned the corner and we are in the situation now where we deal with rights-of-way on a different basis for the future.

My State raises no question as to the future with regard to rights-of-way over public land. We do raise this question, though, that to repeal this section at this time would adversely affect the Western States, because in many areas we have actually de facto public roads in the sense that there are trials that have become wider and have been graded and

then graveled and then they are suddenly maintained by the State. The State takes over.

No one has on the part of the State made a declaration that these are State roads. They are State roads strictly by tradition. They have arrived there without a formal declaration. There is not an existing right again, I would say to my friend from Colorado, in this State, to claim those as State roads, because they never exerted their authority under section 2477. They just, in fact, did use the public lands for roads and highways.

We have in my State the only Federal-State land-use planning commission. We are the first State of the Union to have total planning commission to deal with Federal lands.

We have appropriated funds out of this Congress now for 3 years to that commission and we are trying to identify these areas that through tradition, through usage, through the passage of time, in fact, have become public access roads or highways.

We question whether reservation of valid existing rights and at the same time the repeal of the revised statute 2477 will adequately protect the States I believe there are other Western States with similar problems which have not declared that they have taken rights-of-way under 2477, but, in fact, would be entitled at any time to perfect those rights-of-way today under 2477 as a highway with a simple statement. My friend from Colorado will remember it is one of the unique statutes Congress ever passed. It is one sentence, two lines. It gave the Western States the right for public access across Federal lands.

Knowing we are going into a new era as far as rights-of-way in the future are concerned, and you have provision for the future, I again say to you, why repeal 2477?

Since it only applies to public lands, again, look at the definitions, it applies to public lands which this statute does away with. There will no longer be any public lands. There will only be the national resource lands.

Therefore, all up until the time that the national resource lands came into effect, any valid existing right on the public lands would be preserved.

Mr. HASKELL. If I may respond to the Senator from Alaska. It is my understanding, first, that public land merely by definition will become national resource lands. Therefore, we are talking about the same thing—laws referring to public domain lands or public lands would remain applicable. I would agree with the Senator from Alaska, this is a unique statute in that it was enacted in 1866 and it is all in one sentence.

But, again, I would say that if a strip of land is being used for a highway over public land in accordance with State law at the time of enactment of this bill, then that grant of right-of-way is preserved by reason of section 502 of the bill.

If, on the other hand, at the time this bill is enacted, a strip of land is not being used for a public highway, of course, the State will be unable to get a right-of-way under this 2477.

Mr. STEVENS. Again, this might be an area where we could develop legislative history which would satisfy, because we are in agreement for the future.

If we want to protect the States in the West—and I am speaking for my State, of course—my understanding is that under Revised Statute 2477, a State delivers to the Secretary of the Interior a statement: "We hereby exert our rights under revised 2477 and declare we have taken a right-of-way from A to B for a public highway."

They had some declaration form that they must file.

Now, that is to formalize it. There was de facto exercise of that authority in many States. Many States merely used that authority and did, in fact, build public highways across Federal land, and I would venture to say there are a great many Western States that do not have patents to their roads across Federal lands. They have merely exercised rights under that right-of-way act.

I do not know that it has ever been held clearly what the indicia of claim of right must be under that Revised Statute 2477, whether a State must, in fact, file a declaration or whether the exercise of the right under that revised statute was in and of itself sufficient.

If it was, perhaps we can make sufficient legislative history to make sure of what we are doing, because I know that in my State there are many highways, many roads, where the State just gradually assumed authority, finally extended the road out, and that road was never formally applied for.

We are not talking, I am sure my friend knows, about any road that is under the Federal-Aid Highway Act. These are State roads and local trails, you might say, in many instances.

Mr. HASKELL. My response to this question, and I can understand if there were a problem the great legitimacy of the question the Senator raises, but my understanding is that the courts have held, and I am referring now, if the Senator would like, the citation is Koloen versus Pilot Mound Township, I believe it is, 33 North Dakota 529, it says:

> To constitute acceptance of congressional grant of right-of-way for highways across public lands there must be either user sufficient to establish a highway under laws of the State, or some positive act proper authorities manifesting intent to accept.

In other words, a use or some positive act of proper authorities manifesting intent to use. This is the way I would apply this one-sentence statute enacted in 1866: either there is an actual existing public use, or there is a manifest intent which could be put into action by an application to the Department of the Interior, and they would say "yes." In other words, it is a two-way proposition.

Mr. STEVENS. Would the Senator from Colorado agree that if a State has accepted an obligation to maintain a road or trail, if it has partially constructed or reconstructed it, or has indicated an exercise of its police authority by virtue of posting signs as to speed limits, for example, which demonstrate it is a public highway—if the State has taken actions that would normally be taken by a State in furtherance of its normal highway program, and those roads were on such a right-of-way public lands, would the Senator agree that we have no intent of wiping those out, but those would be valid, existing rights under the one-sentence statute the Senator mentioned previously?

Mr. HASKELL. I agree with the Senator 100 percent.

Mr. STEVENS. I do not think we are being theoretical. We are going to have wildlife refuges that will be as large as 5 million, 6 million, or 8 million acres, and it is possible that in all such areas there will be existing roads and trails from village to village. We even have established dogsled trails in some instances.

Mr. HASKELL. I am not familiar with dogsled trails, but let me say I agree with the Senator that so long as the intent was for public use, then the right-of-way was established at that time under that 1866 act.

Mr. STEVENS. I thank the Senator very much. That would satisfy my requirements in regard to that section.

Before I withdraw the amendment, though, let me again state that I would hope the committee would address itself to the question of the homestead repealer. I do have an amendment which I am considering introducing to see if there is any possibility of restoring and retaining the Homestead Act for Alaska, as we have in fact preserved it in the Desert Land Act for the States having desert land areas. I would hope that the impact of this measure and whatever it would mean to the future of my State would be addressed by the committee and its spokesmen now on the floor.

Mr. HASKELL. I believe that the Senator from Idaho quite clearly indicated the intent and the philosophy behind the repealer of the homestead exemption. I really have nothing that I could add to the statement of the Senator from Idaho on that score. I would, of course, call the Senator's attention to the fact, of which he is undoubtedly aware, that under the Homestead Act as it now exists there must be, as I understand it, a growing of crops, and I do not know whether that is a possibility in Alaska. But as far as the philosophy goes, the Senator from Idaho has stated it well, and I have nothing I could add further.

Mr. STEVENS. I have available in my office, Mr. President, a recent study that has been made of the land in Alaska that has a potential for agricultural purposes. This was a joint study done by the State and the U.S. Department of Agriculture. We have a vast amount of land that it is possible to develop for agricultural purposes. But my problem is this: Presently one could not make a homestead entry in Alaska, because of the withdrawal and the conditions laid

down by the Secretary of the Interior. All Federal land has all been withdrawn pending the procedure of the Alaskan Native Claims Settlement Act and the selections pursuant thereto. If any of the claims to the 80 million acres the Senator from Colorado mentions are not approved, they return back to the public domain.

At that time, I think we should survey what the situation would be; and to repeal at this time an act which is a promise for the future for those who do not have an opportunity to compete on a fair market value, cash option type basis, I think would be wrong. I believe it is better to preserve for many people the hope that there is a real future in my State as far as homesteading is concerned.

I would like to have the members of the committee come up and see the new developments along the Clearwater, where we have vast growing of grains, and we are exporting potatoes, exporting hogs, and getting into a whole range of agricultural production which people 10 years ago would have thought was impossible in Alaska. We will be very much in the export market as far as the great Pacific-Asian basin is concerned, with its tremendous demand for agricultural products.

I think this measure would foreclose participation of those who are not heavily endowed with money in the development of my State. There is no provision in these public land laws to acquire land through "sweat equity" if that were to happen.

I shall again raise the question later with a specific amendment, if the committee sees fit. I see no difference between the Homestead Act as it applies to Alaska and the Desert Land Act. The only difference I can see is that you get 320 acres in Nevada, and only 160 in Alaska.

Mr. HASKELL. I would suggest that the Senator talk later with the Senator from Idaho about the matter. He is not in the Chamber at present, but I would urge that he do that.

Mr. STEVENS. I shall be happy to do so. Mr. President, if there is no further discussion at this time, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The bill is open to further amendment.

Mr. HASKELL. Mr. President, I call up, for myself and Mr. HANSEN, an amendment which is at the desk, and ask for its immediate consideration.

The assistant legislative clerk (Mr. William F. Farmer, Jr.) proceeded to read the amendment.

Mr. HASKELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. HASKELL's amendment is as follows:

On page 47, after line 24, insert a new section as follows: "SEC. 310. OIL SHALE REVENUES.—Section 35 of the Act of February 25, 1920 (41 Stat. 450), as amended (30 U.S.C. 191), is further amended by striking the period at the end of the proviso and inserting in lieu thereof the language as follows: ': And provided further, That all moneys paid on or after January 1, 1974, to any State from sales, bonuses, royalties, and rentals of public lands for the purpose of research in or development of shale oil may be used by such State and its subdivisions for (1) planning, (2) construction and maintenance of public facilities, and (3) provision of public services, as the legislature of the State may direct.'."

On page 17, in the table of contents after "SEC. 309. California desert area." insert "SEC. 310. Oil shale revenues.".

Mr. HASKELL. This amendment which the Senator from Wyoming and I have proposed is identical to a bill that was unanimously reported out of the Committee on Interior and Insular Affairs and unanimously passed by the Senate as S. 3009. It merely provides that the State's share of bonus money from oil shale development be allowed to be expended for general governmental purposes rather than just for public roads and school building.

I assume the Senator from Wyoming has no objection, since he is a cosponsor. I move the adoption of the amendment.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. HANSEN. Mr. President, I yield back my time.

Mr. HASKELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HASKELL. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk (William F. Farmer, Jr.) proceeded to read the amendment.

Mr. HASKELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. HASKELL's amendment is as follows:

(a) On page 62, eliminate the space between the line "or whose occupation, entry or settlement, is validated by this act" and the line beginning with "March 3, 1891".

(b) On page 62, the line beginning "February 11, 1913", strike "281" and insert in lieu thereof "218".

(c) On page 65, the line beginning "Apr. 29, 1950", strike the period at the end thereof and insert in lieu thereof a comma.

(d) On page 65, the line beginning "July 8, 1916", strike the period at the end thereof and insert in lieu thereof a comma.

(e) On page 65, the line beginning "June 28, 1918", strike "270–13".

(f) On page 65, the line beginning "April 13, 1926", strike the period at the end thereof and insert in lieu thereof a comma.

(g) on page 65, the line beginning "May 14, 1898", strike "687" and insert in lieu thereof "687a".

(h) On page 65, line 12, strike "lien" and insert in lieu thereof "lieu".

(i) On page 69, eliminate the space between the line beginning "Mar. 3, 1889" and the line "The following words only: 'that in the form provided by existing law the Secretary of the Interior may file and'."

(j) On page 69, the line after the line beginning "May 3, 1889", strike "oft he" and insert in lieu thereof "of the".

Mr. HASKELL. Mr. President, this is merely a technical amendment, dealing with citations in the title V repealers and I have nothing further to say about it. I would like to get the views of the Senator from Wyoming about the matter.

Mr. HANSEN. Mr. President, I have been assured that these are merely technical amendments that are required in order to make the bill more intelligible, and I join with my distinguished colleague from Colorado in urging the adoption of these amendments.

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

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

The PRESIDING OFFICER (Mr. STEVENS). All time has expired. The question is on agreeing to the amendments.

The amendments were agreed to.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 1538

Mr. McCLURE. Mr. President, I call up my amendment, which is pending at the desk.

The PRESIDING OFFICER (Mr. HELMS). The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 20, line 24, after the period, add the following: "Congress further directs notwithstanding any other provisions of this Act, neither the Secretary nor any agency head by regulation, by stipulation or conditions for right-of-way grants or renewals, or by any other means, shall, except as expressly authorized by statute, use the position of the Federal Government as landowner to accomplish, indirectly, public policy objectives unrelated to protection or use of the national resource lands.".

The PRESIDING OFFICER. Is this the amendment on which there will be 2 hours of debate?

Mr. McCLURE. Yes.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Mr. President, I yield myself such time as I may consume.

Mr. President, the Congress of the United States, and certainly the Senate of the United States, have been much engaged in recent months in discussion of the degree to which the Executive has invaded the prerogatives of the executive branch of Congress, of the Government. We have had a number of colloquies on this floor from time to time concerning the amount of authority which has been wrongfully acquired by the President or the executive agencies, and there have been a number of Members of the Senate who have condemned that practice. There have been others who have pointed out that much of the erosion of the legislative branch's authority has been by

grant of authority rather than by any grab of authority by the Executive.

We have today in this bill a danger of an unwitting and unwarranted delegation of broad and discretionary authority to the President of the United States and his executive agencies, a delegation which I seek to limit by my amendment, which simply states, as those of the Senators who have the amendment before them in printed form can very readily see, that neither the Secretary nor any of the subagencies under the direction of the Secretary can do anything indirectly by arm-twisting or by bludgeoning, using the authority granted by this act, to accomplish things which are not expressly provided for by statute.

Mr. President, I would have thought that that kind of a limitation on executive discretion would have found popular support in this body, as indeed it did on an earlier occasion when I offered a similar amendment to the pending rights-of-way legislation or the so-called Alaska pipeline bill; because even though the committee had in that instance turned down the amendment when I offered it in the committee, the Senate, I think wisely, decided that it was appropriate that the Presidential discretion should be limited to what is authorized by law and not simply to go out and, as some people have said, go and do good, in his view, not in the view of Congress.

The Senate could adopt that amendment which I offered, along with the Senator from New York (Mr. BUCKLEY) and the Senator from Oklahoma (Mr. BARTLETT) and, I believe, the Senator from Ohio (Mr. TAFT) and, I believe, Senator BIDEN who was then presiding, joined me as cosponsor to that amendment.

That amendment did not find its way into the final draft of the Alaska pipeline bill because it was dropped in conference.

I again offered the amendment here, in this legislation, in the committee and, as Senator JACKSON, the chairman of the Interior Committee has suggested, the committee did not agree with me.

I said at that time that I would offer it again on the floor, and I am doing so because I think the principle which is established by this amendment is an important one. It does not deal with the Alaskan pipeline, it does not deal only with rights-of-way across public lands, and it does not deal with the management of public lands. It deals with the fundamental question of how much authority we are going to allow the President of the United States to exercise without—and I emphasize the word "without"—the direction of Congress.

All my amendment says is they cannot use the power that they have under this bill to accomplish something which is not provided for by statute.

How can anyone really honestly argue against that fundamental proposition and, at the same time, raise any voice of protest against the abuse of power by the executive?

The Senator from Alaska has in his early amendment raised the question of how they misused discretionary authority in the past in order to effectuate something which was not expressly provided for by statute. I seek by my amendment to say they cannot do that.

Throughout the history of mankind freedom has been dearly won and easily lost. Every effort of those who seek freedom has been to forge a reliable limitation on the power of government, and there is no one within the sound of my voice who has not heard that oft-repeated but nevertheless true statement that power corrupts and absolute power corrupts absolutely.

We are in this amendment simply saying to the executive, "You have the right to administer the public lands; you have the right to administer those lands in such a way as is specifically provided for in this statute, and you may administer them in a way which accomplishes the specific objectives of other statutes as well. But you cannot by that power granted to you under this act pervert that power to uses not specifically delegated by the Constitution or the laws of this country."

Yet instead of finding the overwhelming support which I think this kind of measure ought to receive, and the kind of support which the American people are crying out for, I find voices raised that say, "No, we should not tie the hands of the Secretary. We should allow him to do good things by the use of the authority granted."

Now, for many States this may not be as important in this particular bill as it is in my State. There are only 12 States in the Union that are so-called public land States. They range from a low of 29 percent of their land mass owned by the Federal Government to a high of 95 percent in the State of Alaska.

There are only a handful of States—five, I belive—that find themselves in the position that my State of Idaho finds itself with the Federal Government owning more than half of our land surplus, and so we are more concerned, legitimately more concerned, about the abuse of authority that may be the natural temptation of those administering the law to use the authority to manage the public lands to accomplish things which are not provided for by statute but which they believe to be good for us.

I am aware that certain organizations have put out some circulars—they, perhaps, call them information sheets, I would, perhaps, call them misinformation sheets—and they concern what might happen under my bill. They raise the issue that NEPA would, in effect, be modified or amended or, in effect, repealed, depending on which sentence of which circular you wished to see.

Nothing could be further from the truth. As a matter of fact, if the goals of the National Environmental Policy Act are to be furthered by the administration of the public lands, they specifically must do so under the provisions of that act. My amendment would not interfere with it, specifically would not interfere with it.

Therefore, any suggestion made that the amendment which I have offered would diminish or detract from the legitimate stated goals of the National Environmental Policy Act are pure sham and subterfuge, and do a disservice to this body and, I think, fundamentally do a disservice to the organizations that raise false issues, where no such issues exist.

It also has been suggested in one of those circulars that the real purpose of my amendment is to affect the wielding of power on private or non-Federal utility powerlines. I have many friends involved in rural agencies, in various public power agencies in the Northwest. I took some pains when this matter was before the Senate in the rights-of-way legislation to state what I thought was then true, and I again restate it now. The amendment which I offer will not affect that battle that is familiar to those of us who live in the Northwest. It is one that has been brewing and pending for some years. But as I stated in debate on July 16, 1973, in the debate on that amendment, that one court has said specifically that the BLM had the authority to issue rights-of-way, a condition of which would be the wheeling of public power over the lines of non-Federal utilities. If that court is correct, my amendment has absolutely no effect at all upon that controversy.

I understand there are others who disagree with that court decision and I think are challenging it in a different forum. What the outcome of that court suit may be I do not hazard a guess, but only to put it into proper perspective, either the BLM had the authority or does not have the authority, and they should not be permitted to exercise it if they do not. And they should not under this act be permitted to use some power to accomplish *some* other goal, no matter how worthy that other goal may be.

It has been suggested here that one of the reasons I bring this up is because of the Antietam battlefield. I agree with the objections that were served in that bill refusing to allow the power company the right to cross the C. & O. Canal unless they relocated a power line in the Antietam battlefield, a totally unrelated instance. There was no argument and there could be no argument that the Federal Government had any direct authority to require the relocation around the Antietam battlefield. But they used the power they had to withhold the right-of-way at another place in order to effect a goal which they thought was justified some miles away.

While I applaud the result I am glad to see that powerline relocated in a way that did not impinge upon the battlefield. But I cannot understand for 1 minute why people would sacrifice their right under law in order to achieve that kind of legitimate, worthwhile, and laudable goal.

If the Government is to have unrestricted power let us do away with the Constitution. If the authorities are not to have the power to go out and do good let us forget the sham and subterfuge

here of limiting the authority of government. I do not feel that way and I am sure the people do not feel that way either. They should not come in the backdoor and do something they cannot do otherwise. We may not like the way they use it on some unrelated matter down there, but we would hear cries of outrage in this Chamber about the invasion of legislative prerogatives. Yet, we have people now urging that my amendment be defeated. I wish it were not necessary to offer the amendment. I wish it were not necessary to limit the power of government as precisely as this amendment seeks to do. I wish we could rely on people in government never to overreach their power. But if we need any examples, this town has abundant examples of people in administrative agencies using the power granted them under one statute to accomplish what they think are legitimate goals, which most Americans find repugnant, even in the goals they seek or in the manner they seek to accomplish it.

I cannot think of a single fundamental principle of law that is more important to us than the limitation of the power of government to abuse power, and that is all in the world this amendment I offer seeks to do.

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

Mr. McCLURE. I am happy to yield to my friend from Wyoming.

Mr. HANSEN. Mr. President, I think what the Senator from Idaho is saying is extremely important. I have in my hand the report to the President and Congress that was compiled by the Public Land Law Review Commission. I note that very distinguished Members of the Senate, as well as the House of Representatives served on that Commission. Presidential appointees included: Laurence Rockefeller; former Governor of Vermont, Philip Hoff; Maurice K. Goddard; Robert Emmett Clark, professor of law, University of Arizona; and H. Byron Mock, practicing attorney in Salt Lake City, Utah.

I call attention to this document because it represents the summing up of a lot of work, of countless hours and days of hearings from all interested citizens. With specific reference to the amendment proposed by the Senator from Idaho, I wish to call to your attention the recommendation of the Commission on page 229 of the report.

Having discussed the authority that was asserted by the Secretary to require that the powerlines crossing Federal lands would be required to the extent of their ability to wheel public power at the agreed-upon rate, the report commented further on the Antietam battlefield situation. Simply because the Potomac Edison Co. required permission for the line to cross the Chesapeake & Ohio Canal National Monument, the Secretary was able to impose certain stipulations upon the company. Having noted these two important situations, the Public Land Law Review Commission stated:

We take no position on the merits of the objectives in each of these actions. However, we are concerned that they were undertaken without clear guidelines or direction from Congress. *Every constitutional tool available to the Federal Government should be used to accomplish public policy goals, but the decision to utilize indirect approaches to promote such objectives should be made by Congress.* Authority to impose conditions unrelated to public land values should be expressly provided by statute where appropriate. This would remove present uncertainty and controversy and promote sound planning and development. In our chapter on Public Land Policy and the Environment we point out how useful and necessary this tool is.

I call attention to that particular paragraph because I think it underscores the very point the Senator from Idaho is making. It is true every agency of Government, each of these branches of the executive department, would like more power. They never question their wisdom and they never raise the issue of whether the public good is concerned. They are confident that their wisdom is boundless, that they are omniscient in their judgment, and they would like to be omnipotent, as well. I say that as a member of the party that presently occupies the executive branch of Government.

Nevertheless, Mr. President, I think the point is well made that these agencies should carry out the mandate of the Congress in implementing what the Congress has said it wants to have done—the law of the land. For precisely those reasons, it seems to me to make good sense to adopt the amendment of the Senator from Idaho because, in doing so, we will be saying very clearly and directly to the various Federal agencies that they cannot do by indirection what they would be precluded from doing directly. They cannot seek nor can they impose authority where none has been granted by the Congress, however laudable or desirable, in their judgment, a particular action may be.

Mr. President, I think this is an important point. The fact that the Public Land Law Review Commission lays great stress upon this point further underscores the importance of this amendment. The concept was tested in the public hearings which preceded the drafting and the adoption of this report.

I call attention also to the fact that an amendment almost identical to that proposed by the distinguished Senator from Idaho was adopted with reference to the Alaskan pipeline on July 16, 1973, just about a year ago.

That amendment carried by a vote of 49 yeas to 36 nays, with 15 Members of this body not being present.

I would hope very much that the amendment of the Senator from Idaho may be adopted.

Mr. STEVENS. Would the Senator from Idaho yield to me for a couple of minutes?

Mr. McCLURE. Mr. President, I will be glad to yield 5 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, again I want to mention the developments under the Alaskan Native Claims Settlement Act, which demonstrates why I support this amendment. At the time that bill was before the House, 50 million acres were withdrawn under classification authority of the Secretary of the Interior. A Member of the House offered an amendment to add 50 million acres to that to make 100 million acres withdrawn for national interest. That amendment was defeated on the floor of the House.

As the bill passed the Senate, we had another amendment that authorized the Secretary of the Interior to classify up to 50 million acres of land. We went into conference and we came out with a concept of a compromise. Recognizing that there were already 50 million acres under classification, we directed the Secretary to withdraw up to 80 million acres of land for national interest for the 4 national interest areas: national parks, national wildlife refuges, wild and scenic rivers, and national forests. Those are the four areas.

When the Secretary exercised that authority, he withdrew over 103 million acres. He withdrew more land than he would have been authorized to withdraw had the amendment that was defeated in the House been enacted and become law. He did so under an inherent authority concept that I find very difficult to follow. As a matter of fact, I placed a very long legal study of the whole history of this into the RECORD and made a statement on it because I was so disturbed by the fact that having come to a legitimate and workable arrangement—a compromise, if you will, between the two Houses of Congress on a very controversial matter—the Department of the Interior ignored that whole legislative history we created and just went out and exercised their authority and withdrew over 100 million acres of land.

Mr. President, they had made recommendations to the Congress to withdraw permanently over 80 million acres of land. The words in the statute say "up to 80 million acres of land." I do not see any way that we can restrict the executive branch to its proper confines in executing the laws passed by the Congress unless we start putting provisions like this into almost every statute we pass.

For those people who oppose impoundments, those people who oppose the excesses of executive authority, I think this is the type of section that could curtail that activity in the future, if we approach it in the proper way. So once again, Mr. President, I support the approach of the Senator from Idaho.

Mr. METCALF. Mr. President, I yield myself such time as I may require.

Mr. President, I rise in opposition to the amendment. At the conclusion of my remarks, I wish to place into the RECORD a couple of letters, matters referred to by the Senator from Idaho—as documents of information and documents of misinformation. They speak for themselves. For the logic, reasoning, and persuasiveness that they have inherent in them, I want them in the RECORD.

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

(See exhibit 1.)

Mr. METCALF. We must remember, Mr. President, that here we are dealing with the use of the people's land. This land belongs to all of the people in the United States. When we were talking about the Alaskan pipeline bill—which was not only an Alaskan pipeline bill but it was a pipeline right-of-way bill for everything; Alaska was only one title of it—we were talking about rights-of-way across the people's land. We were talking about much narrower actions than we are talking about in this bill.

Nevertheless, we were talking about one of the things that was brought up by the Senator from Idaho, and one of the questions raised by the American Public Power Association. That is the question of rights-of-way across Federal public land granted with conditions requiring wheeling of Federal power to preference customers using any excess capacity in the transmission line.

Mr. President, as I read the amendment, I am not sure whether or not that would be affected by the amendment of the Senator from Idaho. That raises the very question that concerns me. The amendment is so vague that it may reach further into the question of whether or not we are going to grant the Secretary of the Interior power that I would want him to have or that he would want. How far do we go in the statute on matters such as preference rights for wheeling power over the public domain?

It may be so construed, and rightly construed, that that is just exactly the kind of power that the Secretary should exercise, under a statute, and it could be exercised under the amendment that the Senator from Idaho is offering.

EXHIBIT 1

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 25, 1974.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to hear that S. 424, the "National Resource Lands Management Act" will reach the Senate floor very soon. We understand that Senator McClure intends to introduce an amendment which is similar to Recommendation No. 98 of the Public Land Law Review Commission Report. Recommendation No. 98 reads as follows:

"No public land management agency shall use the position of the Federal government as land owner to accomplish, indirectly, public policy objectives unrelated to protection or development of the public lands except as expressly authorized by statute."

We expressed our opposition to this provision last year when it was proposed as an amendment to S. 1081, a general right-of-way bill. This letter is to repeat our opposition to the provision and to urge the Senate to reject it.

Although the text of Recommendation No. 98 is very general in nature, the accompanying discussion in the PLLRC Report recites Department of the Interior and Department of Agriculture regulations requiring recipients of power line rights-of-way to wheel Federal power within their available excess capacity on such lines as an example of an unrelated program objective. The discussion also mentions another case in which the Secretary of the Interior blocked construction of a power line near Antietam Battlefield as a condition of the Potomac Edison Company's right-of-way across the C & O Canal National Monument as another example of an action taken without clear direction of Congress. The principal thrust of the PLLRC recommendation appears to be that this type of Executive action should not be taken without explicit Congressional direction.

The illustrations of the PLLRC Report do not, in our view, demonstrate Federal action as a land owner to accomplish indirectly public policy objectives unrelated to the protection and development of the public lands.

Construction of power lines across public lands is a significant development of those lands. As a legal matter, the issue of "wheeling" regulations has previously been fully explored, adjudicated and upheld in a Memorandum Opinion of June 2, 1952, by the United States District Court for the District of Columbia in the unreported case of *Idaho Power Company* v. *Chapman* (Civil Action No. 4540–50); and in a supplemental memorandum of that Court on October 31, 1952. Most important, subsequent administrative decisions have been based on our interpretation that Congress intended power lines to be placed across Federal lands under terms and conditions to assure the overall welfare of those lands.

The Government's use of *surplus* capacity in a transmission line upon payment of fair market value by the Government for that use limits the proliferation of these lines across Federal lands, saves the taxpayers the expense of constructing separate Federal lines, and is fully consistent with good land management policy.

The second illustration in which the Department conditioned a right-of-way across the C & O National Monument upon an agreement by the Potomac Edison Company to minimize the effect of that same line of the Antietam National Battlefield was clearly an action directly related to the protection of our public lands, the National Park System.

Congress has given the Secretary fairly clear policy guidance in the administration of lands under his jurisdiction. It would be impossible for Congress to foresee all of the situations arising which require Secretarial action to carry out that policy. Limitation of the Secretary's discretion of the sort contemplated by this amendment could seriously impair his ability to enforce Congressional policy. With the great burden of legislation before the Congress it would be impossible for it to react effectively to deal with problems like the encroachment of a power line on the values of Antietam Battlefield.

The language of the proposed amendment is vague and except for the specific illustrations in the discussion of the Public Land Law Review Commission Report on Recommendation No. 98 it is extremely difficult to predict what other actions of the Secretary it might be construed to affect. Because of this vagueness the Secretary could be subject to a wide variety of lawsuits alleging a violation of this provision whenever he attempted to include otherwise reasonable conditions in grants of rights-of-way or any other authorizations for use of the public lands. Consequently this amendment could very seriously hamstring the Secretary in his administration of our Nation's public land resources.

Sincerely yours,

JOHN H. KYL,
Assistant Secretary of the Interior.

AMERICAN PUBLIC POWER ASSOCIATION,
Washington, D.C., June 11, 1974.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior Committee, Washington, D.C.

DEAR MR. CHAIRMAN: It is our understanding that when the Senate considers S. 424, Senator McClure will offer an amendment similar to that which he and Senator Buckley offered last year during consideration of S. 1081. That amendment read as follows:

"Provided, however, that notwithstanding any other provision of this Act, neither the Secretary nor any agency head by regulation, by stipulation or conditions for right-of-way grants or renewals, or by any other means shall use the position of the Federal Government as landowner to accomplish, indirectly, public policy objectives unrelated to protection or use of the public lands except as expressly authorized by statute."

The American Public Power Association, which represents more than 1,400 municipal and other local publicly-owned electric utilities in 48 states, Guam, the Virgin Islands and Puerto Rico, wishes to express strong opposition to the adoption of such an amendment.

Although the language of the amendment appears to be uncomplicated and noncontroversial, its adoption by the Congress could have serious consequences for consumers of electricity in many parts of the Nation who are dependent upon cooperation of Federal, private, and local publicly owned utilities to bring them a reliable source of power at a fair price.

One of the principal "public policy" objectives at which the amendment is aimed is the delivery of power from Federal facilities to publicly owned electric utilities and rural electric cooperatives under the preference provisions of Federal power marketing statutes. Under existing regulations of the Department of the Interior and the Department of Agriculture, rights-of-way permits for transmission lines across Federal lands allow the Federal government, upon proper payment, to utilize the excess capacity of non-Federal transmission lines for the delivery of Federally-produced power.

From the viewpoint of the ultimate consumer, these regulations have been of assistance in securing these benefits: (1) Low-cost Federal power has been distributed widely through cooperative transmission arrangements; (2) private power companies have been prevented from boycotting the delivery of Federal power to preference customers, and (3) private power companies have not been able to monopolize rights-of-way over Federal lands for transmission facilities. Consequently, these regulations have been important in securing regional cooperation in power supply in the Western States, facilitating arrangements that have resulted in fuel savings, better reliability of service, and minimum environmental impact.

Should the Federal government be deprived of its ability to condition rights-of-way permits for transmission facilities so as to require sharing of excess capacity, duplicate facilities might have to be built, requiring the use of more land and increasing costs for the electric consumer.

Since the beginning of this century, Congress has granted municipally owned electric utilities, and later, rural electric cooperatives, preference in the purchase of Federal-generated power. Without a means of assuring delivery of Federal power, such as the current regulations facilitate, the preference laws could be eroded by actions of private power companies who may not wish to enter into delivery arrangements with the Federal government when their transmission facilities cross Federal lands.

We urge that Congress not take any step, such as adoption of the McClure amendment, which could facilitate monopolization of transmission facilities by large private power companies. Defeat of the McClure amendment is essential if the Federal government is to be an effective custodian of Federal lands.

Sincerely,

ALEX RADIN.

CONSERVATION COALITION,
Washington, D.C., July 8, 1974.

(Vote against the McClure amendment to S. 424, the National Resource Lands Man-

agement Act (BLM Organic Act), vote for S. 424 as reported by the Interior Committee without weakening amendment.)

Senators McClure, Buckley and Bartlett intend to offer an amendment to S. 424, The National Resource Lands Management Act on the floor today which could lead to disastrous environmental effects. While no one seems to be certain what the amendment does, paraphrased, it essentially says that the Secretary can not use his powers as manager of the National Resource Lands to effect public policy objectives unless they are specifically related to the protection and use of the National Resource Lands or unless "expressly authorized by statute." At first glance this appears in order, but a more careful scrutiny shows this would tie the hands of the Secretary by preventing him from carrying out certain environmental protection laws and acting to complement the use and protection of adjacent or intermingled private and other public lands; and create at best great confusion surounding the use and management of our public lands.

1. INTERFERENCE WITH THE IMPLEMENTATION OF NEPA

The broad, integrative, systematic inventory and analysis of the National Environmental Policy Act (NEPA) would clearly be violated by this amendment, and it is for all practical purposes an amendment to NEPA. If NEPA has as its foundation any one concept, it is that the impacts of major federal actions cannot be sealed off into hermetic little packages. This amendment erects a spite fence in the face of the Secretary when he seeks to look at the consequences of his decisions as they have impacts off the National Resource Lands, something the state and local interests of the west continually state should be done more often. For example, the Secretary would be precluded from considering the planning and zoning of contiguous private lands and thus adjusting National Resource Land management to complement and accentuate local and state land use decisions while regulating the uses of the public lands. Also, many of the National Resource Lands are intermingled with other public land: the National Park System, the National Forest System, the National Wildlife Refuge System, military reserves, as well as state and local parks and forests. In all these cases the Secretary could not take actions while managing the National Resource Lands unless there is a specific Act of Congress giving him that authority and responsibility. While there is confusion regarding such authority in certain cases with other federal lands, he certainly does not have it for non-federal and private lands.

2. BROAD REACHING EFFECT

We understand that Senator McClure's basic concern lies with "wheeling", a situation where the Secretary may as a stipulation to a right-of-way permit, require a private utility applicant to carry public power or in some way assist a power project. Yet, this amendment uses a broad axe where minor surgery would do. Surely, the real issue here ought to be brought out and debated on its merits rather than hiding it in an ambiguous amendment. The way this amendment is drafted, it preempts all other provisions of this act wherever any inconsistency may develop, but it does not stop there. It goes on to place a cloud over the Secretary's power through National Resource Land management to assist in the implementation of the Clean Air, Clean Water and Noise Pollution Control Act programs. At best, the Secretary could justify his actions for clean air and water while regulating the use of the National Resource Lands, only to protect a parcel of the National Resource Lands and not for the larger air basin or watershed. Even if this leaves the Secretary with some descretion, it places the burden of proof on him to show how a particular action specifically and primarily applies to the "protection and use" of a parcel of the National Resource Lands.

3. SECRETARY MUST HAVE SOME MANAGEMENT DISCRETION

The Secretary must not be stripped of discretionary leeway to seek the interrelated effectuation of various federal programs and management objectives that have direct or indirect relation to the National Resource Lands. In the management of 450 million acres many different kinds of problems arise, and their proper handling often takes vastly different approaches. Congress cannot legislate specific criteria and guidelines, and if the Secretary is not left with some discretion, a flood of land management problems that the Secretary could otherwise handle adequately, will be shifted to Congress.

Organizations that have registered support for an effective BLM Organic Act:

American Forestry Association.
Animal Protection Institute.
American River Conservation Council.
Center for Science in the Public Interest.
Citizens Committee on Natural Resources.
Defenders of Wildlife.
Environmental Action.
Environmental Policy Center.
Federation of Western Outdoor Clubs.
Friends of the Earth.
Fund for Animals.
Izaak Walton League of America.
National Audubon Society.
National Wildlife Federation.
Sierra Club.
The Wilderness Society.
Wildlife Management Institute.

Mr. McCLURE. Will the Senator yield?

Mr. METCALF. I yield.

Mr. McCLURE. Mr. President, once again today, as I did on July 16 of last year, I want to be as clear as I can possibly be about this question of wheeling. That is not my motive in this amendment. It is one of the things that is discussed. It is one that was discussed by the review commission.

Mr. METCALF. Will the Senator from Idaho yield for a moment?

Mr. McCLURE. Surely.

Mr. METCALF. The Senator from Idaho brought up the question of the wheeling of power in his direct remarks, and referred to it. It is referred to in the documents I have requested to be placed in the RECORD.

Mr. McCLURE. That is correct. I think it must be discussed because it has been referred to and it comes up almost every time this question is raised.

My point is this: Either the Secretary has the authority to order that power be wheeled, an authority granted by law—and the courts are construing that statute now to determine whether that is true—or the Secretary does not have that authority.

If the Secretary has that authority, my amendment does not in any way interfere with it. If the Secretary has never been granted that authority by the Congress, why should he be allowed to exercise that authority in the absence of a statute giving it to him?

Mr. METCALF. The Senator is arguing just exactly the opposite of the argument of the distinguished Senator from Alaska on the previous question.

Mr. President, I believe that under the various statutes the Secretary of Interior has a rather comprehensive authority. For instance, in the example which has been brought up to require wheeling of public power when a right-of-way over public land is granted to a private utility.

I believe that when there is a restriction on use of public lands needed to satisfy the National Environmental Policy Act, the Secretary has a right to withhold, under statute, that use unless he imposes the restriction. But the Senator's amendment is vague. It would change that, so that it would appear that we are trying to take that power, which is already vested in the Secretary, away from the Secretary and make it specifically spelled out in a statute before it could be exercised.

I think that we have to delegate to the Secretary of the Interior certain indefinite powers to carry out specific statutory authority. That is not only statutory authority that is written into this act, but also, is written into the Environmental Policy Act, into the Right of Way Act, into the Public Power Act, into the preference clause, and into innumerable other acts.

When the Senator offers this amendment and argues that we are taking away from the Secretary some of this authority, then he is taking away from the Secretary certain specific powers that I believe the Senator and I want the Secretary to have, want him to exercise, over the people's public lands that he needs to control.

Mr. McCLURE. I am a little puzzled by the Senator from Montana's statement, because the Senator says this would take away specific power. It expressly does not take away specific power.

Mr. METCALF. Why are we proposing the amendment, then?

Mr. McCLURE. It says that the Secretary cannot use the power to manage the public lands to accomplish public policy objectives not stated by other statutes.

Mr. METCALF. Every example that the Senator has used in support of his amendment has been an example in which it has been supported by other statutes.

Mr. McCLURE. No, indeed not. The Antietam Battlefield case was not supported by any other statute. I applaud the results, but I do not like the method.

Mr. METCALF. Why did we establish the battlefield, if we did not want to protect it?

Mr. McCLURE. If we had wanted the Secretary to have the authority to regulate the use of land surrounding the battlefield, we could have expressly provided that. If we did not want to do that—I assume Congress made that decision after the battlefield was created. I do not think we can say that simply because we created the battlefield, it allows him to go out and do whatever in his judgment is good for the battlefield. I do not think the Senator would want to be understood as saying that.

Mr. METCALF. The Senator will grant that there is no specific statute that permitted the Secretary of the Interior to protect the Antietam Battlefield or other public historic sites in similar situations.

Mr. McCLURE. I do not understand the Senator.

Mr. METCALF. I suggested that power is vested in the Secretary today, because of the statutes creating a historic site or

a battlefield such as Antietam Battlefield, to protect that battlefield and to use the public land for that purpose. Therefore, I say that the amendment of the Senator from Idaho is so vague that it might take away that power, and the Senator has suggested that no power is vested in the Secretary at the present time.

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

Mr. METCALF. I am delighted to yield.

Mr. HANSEN. Mr. President, it is my understanding—and I hope the distinguished Senator from Montana will correct me if I am in error—that the power line location which was tentatively agreed upon, and where it would have been built, did not cross or traverse any of the Antietam Battlefield Monument lands. It was near them. The Secretary concluded that even having it nearer the Antietam Battlefield detracted from the esthetic and historic appreciation of that very important area.

I do not argue at all with the significance of the Antietam Battlefield. I do make the point, however, as I understand the report for the Public Land Law Review Commission, that had it not been for the fact that this private power company, in seeking a right of way for its transmission line, had to cross the old C. & O. Canal, there was no statute, there was no authority, there was no jurisdiction at all that the Secretary had which could have authorized his doing directly the thing he was able to do by indirection, simply because the private power company needed to cross the C. & O. Canal.

So the Secretary said, "This is public land. It has been set aside specifically. Before we will grant you a right-of-way across that canal, you must agree to a relocation of your lines in the area of the Antietam Battlefield."

I thought that was the situation. If I am in error on that, I would be delighted to have the RECORD set straight.

Mr. METCALF. As I recall, the powerline was not to cross Antietam Battlefield. There was no question of crossing the battlefield. The question was with respect to crossing public land—the C. & O. Canal. As I recall, in the opinion of the C. & O. Canal. As I recall, in the opinion of the Secretary, it would have been a visual detriment to the Antietam Battlefield had the powerline been built as proposed. Therefore, he said, "You cannot cross the C. & O. Canal unless you move the powerline so that it does not destroy part of the beauty and the spectacle of the Antietam Battlefield." I think that was appropriate.

Mr. HANSEN. If the Senator will yield further, let me agree with him. I agree with the desirability of affording all the protection that reasonable men might agree is indicated in order to protect that historical battlefield.

However, the point that I believe the Senator from Idaho was making, and which he articulated persuasively—at least, insofar as this Senator is concerned—in presenting his amendment, and one in which I quite agree with him, is that we do not argue at this juncture about the desirability of having the powerline removed from the Antietam Battlefield. But to build upon this sort of precedent, to give authority to various agencies of the executive department of Government to do indirectly what in their judgment, in their wisdom exclusively, serves the public purpose, prompted the Senator from Idaho to say that we had better draw the line.

The whole course of history deals invariably with good people doing good things for government. They all start out this way. But as they arrogate unto themselves more and more power, as they come to believe that their judgment is infallible, as they never question their wisdom, then we get into situations which I think fly in the face of democratic government and completely damage the legislative process. As I understand it, in this Government we have said that Congress will write the laws and we will not depend upon some secretary in the administrative branch to tell us, by his secretarial edict, that this is the way it is going to be.

That is the reason why the Senator from Wyoming finds merit in this amendment. We are not arguing that the two actions we have cited in this debate may have resulted in good endings but, rather, that this sort of precedent is one that has to be suspect. It flies in the face of the legislative process. It arrogates authority to the executive department of Government that certainly was never intended by the framers of the Constitution.

In order to see that that sort of power does not fall into capricious hands, we have to draw the line. I believe that this amendment draws that line. It is a good amendment.

I invite attention once more, because Senators are now present who were not in the Chamber earlier, to the fact that a nearly identical amendment was passed just about 51 weeks ago today by this body on a vote of 49 to 36.

I hope the Senators may recall how they voted at that time and would be equally persuaded to support an amendment that I think is equally as meritorious as was that one which became part of the Alaska pipeline measure.

I thank my colleagues.

Mr. JACKSON. Will the Senator yield?

Mr. METCALF. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Montana has 45 minutes remaining.

Mr. METCALF. Thank you, I yield to the chairman of the committee as much time as he desires.

Mr. JACKSON. Mr. President, I rise in opposition to the amendment of the junior Senator from Idaho (Mr. MCCLURE). If adopted, this amendment would greatly restrict the Secretary of the Interior's authority to protect and manage the public lands. In addition, one of its principal impacts would be on public power programs.

The administration, major environmental organizations, and the American Public Power Association all oppose this amendment.

The amendment has been defeated five times in committee during markup sessions on the Alaska pipeline bill and S. 424 and was rejected in conference on the former bill. Although a similar amendment was accepted by the Senate during consideration of the pipeline bill, it was far more narrow as it related only to grants of rights-of-way and not all governmental actions concerning the public lands.

In a letter to me of June 25, 1974, the Department of the Interior discussed a number of reasons for opposing this amendment.

Let us just look at what the administration's position is on this, and I quote in part from the letter which I believe the distinguished Senator from Montana has placed in the RECORD. Let me quote now.

> Congress has given the Secretary fairly clear policy guidance in the administration of lands under his jurisdiction. It would be impossible for Congress to foresee all of the situations arising which require Secretarial action to carry out that policy. Limitation of the Secretary's discretion of the sort contemplated by this amendment could seriously impair his ability to enforce Congressional policy. With the great burden of legislation before the Congress it would be impossible for it to react effectively to deal with problems like the encroachment of a power line on the values of Antietam Battlefield.
>
> The language of the proposed amendment is vague and . . . it is extremely difficult to predict what . . . actions of the Secretary it might be construed to affect. Because of this vagueness the Secretary could be subject to a wide variety of lawsuits alleging a violation of this provision whenever he attempted to include otherwise reasonable conditions in grants of rights-of-way or any other authorizations for use of the public lands. Consequently this amendment could very seriously hamstring the Secretary in his administration of our Nation's public land resources.

A letter from the American Public Power Association discloses that, among other things, this amendment could be construed as prohibiting the longstanding practice of requiring recipients of powerline rights-of-way to wheel Federal power within the lines' surplus capacity upon payment of fair market value.

Finally, it is the apparent purpose of this amendment to totally strip the Secretary of the Interior of any discretionary authority to manage the national resource lands. In a world of accelerating technological advancements and rapid change such a limitation does not make sense. Congress cannot foresee or address all the problems which such changing circumstances may present to those entrusted with the management of the national resource lands. S. 424 is carefully drafted to allow the Secretary the necessary discretion to take action to meet such problems. This discretionary authority, however, is limited within prescribed parameters; it cannot be abused.

I urge the Senate to defeat amendment 1538.

Mr. President, I have great respect for the Senator from Idaho, but let me just observe that both administrations, Republican and Democratic, have opposed this kind of restriction on the Secretary.

What we are really doing here, let us face it, is to try to reopen old wounds between private and public power.

I think we have come a long way to reconcile the differences. The REA's have done a terrific job throughout the country. Public bodies, whether they are public utility districts or publicly owned municipal power systems, have been getting along pretty well with the private companies and the private companies have been getting along quite well with the Federal Government.

The effect of this amendment will be to completely disorganize the whole concept of the movement, particularly of our power from our Federal projects, where wheeling of that power is an absolute condition in order to get it to the preferred customers.

It would be a step backward and I hope that the Senate will move forward and not backward and reject the amendment.

The PRESIDING OFFICER. The yeas and nays are ordered.

Who yields time?

Mr. METCALF. Mr. President, I yield myself 5 minutes.

Mr. President, the chairman of the committee has touched on the most important point that needs to be discussed in this amendment and that is the fact that Congress cannot specifically and definitely legislate by precise statute what is going to happen.

We do not know what the effect of a nuclear plant might be on a national monument, or a national park.

We cannot anticipate what is going to happen downstream as a result of some certain industrial development on public land upstream.

We do not know what is going to happen to our air, water, or land, indirectly, as a result of certain use of public land.

In order to carry out environmental policy, in order to carry out recreational policy, in order to carry out land use policy that has already been specifically enacted by the statute, by Congress, the Secretary should have some authority to say, "Well, you cannot use this public land if that use will degrade land downstream or downwind or in some other area."

This would seriously impair the right of the Secretary to impose environmental conditions or to impose antipollution programs in accordance with the precise statement of the statute.

For instance, suppose we are building a power line, Idaho Power or Montana Power, out West and they are going through an Indian reservation and the Secretary says, "You have to use Indians wherever they can be used."

This would take that authority away from him although by a specific court decision that has been granted to the Secretary in a decision just the other day.

We have there in this bill the general, broad guidelines in which we tell the Secretary the means and the way in which he should administer the public lands under the authority of this act, and in accordance with the other acts that are compatible with the act.

Under S. 424, we have more guidelines than we have now, but to take that power away absolutely from the Secretary, unless you have a precise and specific statute, would be much to the detriment of the users of public lands, much to the detriment of the people who own this land, and to the detriment of the Government itself.

We are not taking away any of the freedom. We are legislating to establish policies, laying down guidelines, trying to anticipate what is likely to happen, and then giving authority to some governmental officer to prevent these detrimental things from happening.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Mr. President, I yield myself 5 minutes to respond to the arguments of the Senator from Washington and the Senator from Montana.

First of all, it is suggested by the Senator from Montana that the Indian labor contracts could not be enforced, although he followed that up by saying the court said in a court decision that the Secretary had the authority to order that. I would say he answered his own question. The fact that the court found he had the authority would render the wording of my amendment totally inapplicable.

The Senators suggested that the management of the public lands could not be done in such a way as to protect downstream lands in the environmental term. I would say that is totally false, totally and completely inapplicable to my amendment, because there are specific statutes that deal with environmental protection, the Air and Water Pollution Control Acts, both of which have specific reference to what must be done, not only what may or can be done.

It is suggested by the Senator from Washington that the Secretary would be hamstrung in his ability to protect the public lands. I think if he will read the language of the amendment, it says, in the last lines of the amendment——

Mr. METCALF. Mr. President, will the Senator yield on this point at this time?

Mr. McCLURE. Certainly.

Mr. METCALF. The Senator's amendment says that the Secretary shall have no power, except as expressly authorized by statute—I am reading the last clause of the amendment—to—

> Use the position of the Federal Government as landowner to accomplish, indirectly, public policy objectives unrelated to protection or use of the national resource lands.

By specifying that language, it means that he cannot specifically use the land upstream to protect a river in a national park; he cannot specifically control building upwind to protect from vapors or chemicals downwind. He can only, by a specific and precise statute, use it to protect the national resource lands we are talking about.

Mr. McCLURE. If there are specific statutes dealing with air pollution or water pollution, as indeed there are, the Secretary can issue regulations on the use of the public resource lands that effectuate that public policy statement. There is absolutely no question of that. This amendment in no way interferes with his rights to enforce other laws upon which express conditions affect the development of the public lands. But the point I was about to make was that the Senator from Washington had indicated this would somehow deprive the Secretary of the right to protect the national re ource lands. I think the last sentence of the amendment, which says "objectives unrelated to protection or use of the national resource lands," would in no way inhibit his authority in the management of the national resource lands. It simply says to him, "You cannot use the power you have here to force someone else to do something else that is totally unrelated and not provided for by statute."

That seems to me to be so clear as to be unarguable. Why people would desire to say to the President, this President or any other President, that he has the authority of this act to deprive people of the use of the natural resources on natural resource lands to accomplish unrelated objectives, is beyond me.

For instance, I think it was President Kennedy who thought at one time that the steel companies were about to raise the price of steel, and he was very unhappy about that, and ordered the FBI out in the middle of the night to interrogate the executives of the steel companies. I think there has been some criticism which some Members of this body may have seen in the past concerning the activities of the Committee to Reelect the President, when it has been suggested that the FBI should investigate certain people, or possibly the CIA should be brought in. I think there have been outcries by people that the Internal Revenue Service might have been used for objectives unrelated to the enforcement of the Internal Revenue Code.

What I am saying to the Senator from Montana and the Senator from Washington is that this amendment should be enacted to make certain that the Secretary of the Interior, under this President or any other President, does not misuse his authority. One of the stated public policy objectives in one law or another for many years has been that we have fair campaign practices. That is a legitimate exercise of statutory authority, and a concern that a great many people of this country have.

But suppose a President of the United States should decide unilaterally to use the authority under this act, or to use the CIA or the FBI or the IRS, to determine that every person running for public office should indulge only in fair campaign practices. That is the kind of abuse of authority toward which this amendment is directed, and I submit that it is the kind of restraint on the abuse of authority which is both legitimate and indicated by all of human experience under governments which tend to become oppressive, as they naturally do, and it is at least somewhat indicated by the current course of events, in which we have seen some abuses of authority by people who felt they were in a position to use that authority for purposes which they thought were legitimate uses of the authority, but which perhaps were not.

I simply cannot buy the argument that my amendment somehow interferes with legitimate use of the authority. Suppose the Secretary of the Interior should decide that if one of the oil companies was

going to put some oil across natural resource lands in a pipeline, the Secretary of the Interior should have authority to regulate the price of that oil. I would suggest that the Senator from Washington and the Senator from Montana might applaud that action, because they would like the result. But how would they feel about it if it took away a right which they desired to protect rather than achieve a goal which they applaud?

How would the Senator from Delaware feel if, indeed, one of the energy companies was required, as a condition for any operation on the public lands, to build a deepwater superport in Delaware?

I am saying we should not permit any Secretary of the Interior or any administrative agency to have that kind of authority; and I am saying that is exactly what my amendment does: limit him carefully to the protection of the public land and the management of the public land, and withhold his use of that authority under this bill to accomplish totally unrelated objectives, no matter how laudable or how much subject to condemnation they might be.

I think this is the only way that we as free individuals can maintain our freedom, by protecting ourselves against the encroachment of that kind of authority.

One final statement, and I shall reserve the remainder of my time. In one of the letters, which I presume is one of those the Senator from Montana entered into the RECORD, this statement is made which is the kind of misinformation that I have referred to——

Mr. METCALF. I put into the RECORD the public power letter.

Mr. McCLURE. No, that is not the one. I have not seen that one.

Mr. METCALF. I also put in a memorandum.

Mr. McCLURE. I have a letter here, or a memorandum, which I think was circulated widely, from the Conservation Coalition. It is dated July 8.

Mr. METCALF. I did put it in.

Mr. McCLURE. I will just make reference to this one sentence:

> For example, the secretary would be precluded from considering the platting and zoning of contiguous private lands, and thus adjusting natural resource use and management to complement and accentuate local and State land use decisions which regulate the use of public lands.

Nothing could be further from the truth. It does not prevent him from considering those local regulations, but it would prevent him from dictating to local governments what the local regulations should be. If we want to get into that area we would do it under the proposed National Land Use Planning Act, as we attempted to define those relationships.

So instead of doing what this memorandum says it would do, it does exactly the opposite. It limits his authority to enactment on the public lands, and keeps it from being projected onto adjacent private lands. That is the kind of argument I think we are involved in, and I think if we understand the amendment that certainly the Senate will vote overwhelmingly in support of the amendment.

Mr. METCALF. Mr. President, I have just one comment. I remember an anecdote of the Supreme Court when someone was appearing before the Court and said that the power to tax is the power to destroy. Justice Cardozo or Holmes or one of those great judges said, "No, that is not true, not while this Court sits."

I would deplore all the dire consequences of this legislation if we wanted to give the FBI or the CIA or some of these other agencies the power that the Senator from Idaho foresees. But I do not think that will ever happen while this Senate sits, and I do not think that we are giving that in this legislation.

I am ready to yield back the remainder of my time.

Mr. STEVENS. Mr. President, will the Senator yield just a couple of minutes to me before he does that?

Mr. METCALF. I would be delighted to yield to the Senator.

Mr. STEVENS. Merely because of some of the comments that were made here, I want to make sure that my understanding of the bill is correct.

It is my understanding that this bill does not in any way repeal or modify the Right-of-Way Act or the Alaska Pipeline title to the Right-of-Way Act to which this amendment was attached? Are we in agreement as to that?

Mr. METCALF. I would defer to the distinguished chairman of the committee (Mr. JACKSON), but I would say unequivocally that the Right-of-Way Act and the Alaska pipeline title to the Right-of-Way Act are clearly still in existence, and this law does not in any way interfere with or impair that legislation.

Mr. STEVENS. Mr. President, I thank the Senator.

Mr. METCALF. May we have a comment from the Senator from Idaho? Does he agree?

Mr. McCLURE. Mr. President, I would agree and disagree in this way: It does not repeal the act, but it gives the Secretary additional authority in the management of the public lands by which he might affect the pipeline decisions and right-of-way decisions that otherwise might be made as a condition to the use of public lands for things that are unrelated to the pipeline unless my amendment is adopted.

Mr. METCALF. I do not want to argue about statutory authority, but we are talking about a statute that does not change the legislative intent of the Pipeline Act.

Mr. STEVENS. I would ask the same question about the Alaskan Native Claims Settlement Act that the Senator is so familiar with, and which is such a fragile issue right now, in terms of resolving all of these conflicting claims. There is no intent in any way to be involved?

Mr. METCALF. No intent whatsoever to impair the administration or interference with the right of selection under the Alaskan Native Land Claims Act of the State of Alaska.

Mr. STEVENS. I thank the Senator.

Mr. METCALF. Mr. President, I am prepared on this amendment to yield back the remainder of my time

Mr. McCLURE. Mr. President, may I make just one further statement and then I will yield back the remainder of my time.

I would like to remind the Senator, as the Senator from Wyoming did, we had a substantially identical issue before the Senate just 51 weeks ago, and on that vote on July 16, 1973, the amendment was agreed to with the yeas of 49 and the nays of 36, and I would hope that the Senators would remember how they voted on that occasion, and cast their vote the same way on this occasion. Thank you.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. McCLURE. I yield back the remainder of my time.

Mr. METCALF. 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 offered by the Senator from Idaho (Mr. McCLURE). On the question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk (Harold G. Ast) called the roll.

Mr. MOSS (after having voted in the negative). I have a pair with the Senator from Washington (Mr. MAGNUSON). If he were present and voting he would vote "nay." If I were free now to vote I would vote "yea." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. STEVENSON), and the Senator from Rhode Island (Mr. PELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. FANNIN), the

Senator from Florida (Mr. GURNEY), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I also announce that the Senator from New York (Mr. JAVITS) is absent on official business.

I further announce that, if present and voting, the Senator from Kentucky (Mr. COOK) and the Senator from New York (Mr. JAVITS) would each vote "nay."

The result was announced—yeas 23, nays 47, as follows:

[No. 284 Leg.]

YEAS—23

Bartlett	Hansen	Scott, William L.
Beall	Hartke	Stafford
Brock	Helms	Stevens
Byrd, Harry F., Jr.	Hruska	Taft
Curtis	Mathias	Thurmond
Dominick	McClure	Tower
Fong	Pearson	
Goldwater	Roth	
	Scott, Hugh	

NAYS—47

Abourezk	Hatfield	Nelson
Aiken	Hathaway	Nunn
Allen	Hollings	Packwood
Biden	Humphrey	Pastore
Brooke	Jackson	Proxmire
Burdick	Johnston	Randolph
Byrd, Robert C.	Long	Ribicoff
Cannon	Mansfield	Schweiker
Case	McClellan	Sparkman
Chiles	McGovern	Stennis
Clark	McIntyre	Symington
Eagleton	Metcalf	Talmadge
Eastland	Metzenbaum	Weicker
Gravel	Mondale	Williams
Griffin	Montoya	Young
Haskell	Muskie	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Moss, against

NOT VOTING—29

Baker	Cranston	Inouye
Bayh	Dole	Javits
Bellmon	Domenici	Kennedy
Bennett	Ervin	Magnuson
Bentsen	Fannin	McGee
Bible	Fulbright	Pell
Buckley	Gurney	Percy
Church	Hart	Stevenson
Cook	Huddleston	Tunney
Cotton	Hughes	

So Mr. MCCLURE's amendment was rejected.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. EAGLETON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Alaska.

Mr. STEVENS. Mr. President, I send a modification of the pending amendment to the desk.

The PRESIDING OFFICER. The modification of the amendment will be stated.

The assistant legislative clerk read as follows:

On page 60, line 22, insert the following: "or, (8) amending, limiting, or infringing the existing laws providing grants of land to the States."

Line 17, strike "or".

Mr. STEVENS. Will the Senator from Wyoming yield 2 minutes to me so that I may explain the modification?

Mr. HANSEN. I am happy to yield.

Mr. STEVENS. This protects the land grants to all States. It now appears in the general section applying to all exceptions within the bill and has been worked out with the staff and committee as being part of a generic portion of the exceptions of the bill.

Mr. JACKSON. Mr. President, I believe the modified amendment meets the main objection that the majority had voiced earlier when this matter was discussed. It is now restrictive so that it does not include other areas that did concern us.

I believe that is basically the understanding of the Senator from Alaska in offering the modified amendment. We are pleased to accept the amendment.

Mr. MOSS. Mr. President, may I inquire of the Senator from Alaska how broad the exemption is that he has now modified his amendment to cover? Does that cover school selections?

Mr. STEVENS. It covers all land grants to all States in the statehood acts.

Mr. MOSS. Sections 851 and 852 of title 43 of the Code deal with deficiencies in grants to the States by reason of settlements and designated sections generally, and also a section applied to deficiency of school lands.

Mr. STEVENS. Mr. President, I am advised by the staff that the amendment, as now modified, includes the amendment suggested by the Senator from Utah referring to those specific sections he has just mentioned.

Mr. MOSS. The reason I raised the question at this time is that I have an amendment that I have sent to the desk, which I will not call up, of course, if it is covered within the language of this amendment, and if this amendment is adopted.

Mr. President, the reason it gives me worry is that just this morning on my desk I received a letter from the Department of the Interior about some school land selections. They are talking about getting an appraisal to see if they can balance off those mineral values, dollar for dollar.

This is something we have been through for 20, 30, and 40 years in this body. I just wanted to see that nothing crept in here that gave any substance to this new bureaucratic attempt to amend the law by administrative fiat. If it is included, that is all right.

Mr. President, I would like to place into the RECORD some legal citations that I have covering the point that I am making, that the balancing of mineral values is not part of the indemnity process.

Mr. STEVENS. Mr. President, I hope the Senator will put that information in the RECORD. It is my understanding that his amendment is included in this modification.

Mr. President, I ask for the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska, as modified.

The amendment, as modified, was agreed to.

Mr. MOSS. Mr. President, I ask unanimous consent to have printed in the RECORD the amendment to which I earlier referred, and also the citations to which I referred.

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

On page 35, line 16, insert the following: After the word "require" strike the period and add the following: "; Provided, however, that this section shall not apply to or modify the provisions of Title 43 USC, Section 851 and 852, grants to states."

In *Wyoming* v. *U.S.* 255 U.S. 489 (1921) citing *Daniels* v. *Wagner* 237 U.S. 547, the court said that an indemnity selection to be effective requires the approval of the Secretary, "* * * but it was not meant by this that the Secretary *arbitrarily* could defeat the right of selection by withholding his approval * * *" (emphasis supplied).

Mr. President, the requirement of "Equal Value" in section 8 exchanges under the Taylor Grazing Act are not applicable to indemnity selections.

Commissioner Johnson of the General Land Office in a confidential memorandum to the Secretary of the Interior dated April 10, 1943 made the following statement with regard to the question of equal value:

"The protraction of unsurveyed base lands is not new; it was provided for in the act of February 28, 1891 (26 Stat. 796; 43 U.S.C. 851, 852), amending Secs. 2275 and 2276 U.S.R.S. for indemnity school land selections, which act with the regulations thereunder (39 L.D. 39, CFR 270.1–270.16) embodies the governing provisions for the adjudication of such selections. Those selections *have always been based upon equal areas,* regardless of the value of the base or selected lands. *California* v. *Deseret Water Etc. Company,* 243 U.S. 415; *Wyoming* v. *United States,* 255 U.S. 489. In this connection attention is invited to the early instructions of the Treasury Department of July 11, 1805, to the registers of the Ohio land districts, wherein it was directed that where a fractional section 16 had been disposed of by the United States, it would be necessary in order to replace it to select a tract containing 'as near as possible a quantity of land equal to the sold fraction'. Laws, Instructions, and Opinions, Public Lands, Volume II, page 259. However, the base for an indemnity selection is sometimes a deficiency in the township and cannot be described as land in place (see Sec. 2276 R.S.; 43 U.S.C. 852.)."

"The words 'other lands equivalent thereto', found in school land grants to the State of Ohio, made by Section 7 of the act of April 30, 1802 (2 Stat. 173), and in the indemnity act of May 20, 1826 (4 Stat. 179), and the words 'other lands of like quantity', found in the indemnity act of February 26, 1859 (11 Stat. 385), and in the codification thereof in Section 2275, supra, have been held to mean the same as the phrase 'other lands of equal acreage' embraced in the amendment of that section by the act of February 28, 1891, supra. *It is therefore held that the State is entitled to select for lands lost in place,* other lands, *acre for acre,* regardless of price or value. *State of Oregon,* 18 L.D. 343: *State of California,* 32 L.D. 34."

The Commissioner clearly differentiates between criteria for State by exchanges and those for indemnity selections continuing:

"The regulations governing State exchanges which were issued under circular 1398 provided that the States should state whether the proposed exchanges are to be based upon equal values or equal areas.' However, practically all of such exchanges for the past five years or more, on the States' election, have been on the basis of equal area. Furthermore, all of the States indemnity selections are, under existing statutes, on the basis of equal area. A promulgation of a different rule for State exchanges under the Taylor Grazing Act,

through the proposed modification of existing regulations as to such exchanges, would be of little avail as the selected land in any rejected State exchange application might easily upon the classification of the land under amended Section 7 of the Grazing Act be secured by the State through an indemnity selection. Then, too, it might create such a disturbance and confusion as would result in a demand for a further amendment of the Taylor Grazing Act, reopening of the whole subject, and a possible revival of the previous attitude on the part of the States reflected in H.R. 3019, the Secretary's memorandum to the President of August 26, 1935, and the President's veto message of September 5, 1935."

A copy of the confidential memorandum is attached hereto marked Exhibit A and made a part hereof by reference.

In a September 1962 memorandum to the Director of the Bureau of Land Management, the Associate Solicitor, Division of Public Lands, states clearly that "in considering an application by a State for indemnity selection under 43 U.S.C. 851, 852, the disparity in values between the lands offered as base and the lands selected cannot be considered." A copy of the 1962 memorandum is attached hereto marked Exhibit B and made a part hereof by reference.

The 1958 amendments to 43 U.S.C. 851 and 852, in the view of the Solicitor of the Department, reaffirm the position that discrepancies in values between offered and selected lands are not to be considered.

B. The Discretion of the Secretary of the Interior is Limited to the Statutory Requirements of Determining the Mineral Character of the Selection and of the Base on an Equal Acreage Basis.

Assuming arguendo that the Secretary of the Interior acting through the Bureau of Land Management has authority to classify the State selections under Section 7 of the Taylor Grazing Act, regulations of the Department grant it ample authority to classify and transfer title to the selected lands to the state.

Title 43 CFR 2430.4(a) 1972 ed. provides:

"(a) To be valuable for public purposes, land must be suitable for use by a State or local governmental entity or agency for some noncommercial and nonindustrial governmental program or suitable for transfer to a non-Federal interest in a transaction which will benefit a Federal, State, or local government program."

What could be more of a "public purpose" than meeting the Congressional mandate that lieu selections are to be made for school purposes to the several states and classifying the lands therefor? In addition, classification is necessary to determine the mineral character of the lands offered and selected.

Subsection (b) of that Section provides:

"(b) Lands found to be valuable for public purposes may be classified for sale pursuant to the Public Land Sale Act as chiefly valuable for public uses for development or for transfer in satisfaction of a State land grant, or for transfer to a State or local government agency in exchange for other property, or to transfer to a governmental agency under any applicable act of Congress * * *"

Further, it should be pointed out, classification in the ordinary sense of the Taylor Grazing Act is inapplicable.

"(d) (1) The term 'unappropriated public lands' as used in the section shall include, without otherwise affecting the meaning thereof, lands withdrawn for coal, phosphate, nitrate, potash, oil, gas, asphaltic minerals, oil shale, sodium, and sulphur, but otherwise subject to appropriation, location, selection, entry, or purchase under the non-mineral laws of the United States; lands withdrawn by Executive Order Numbered 5327, of April 15, 1930, if otherwise available for selection; and the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals or any specified mineral or minerals."

The selections here made are made in conformity and compliance with that section of the Statute governing state selections.

The same situation which the State of Utah faced in its selection of lands in the Cane Creek Potash area now confronts it when the selections are of oil shale lands. The interpretation of the Department of Interior in the Cane Creek case was that "producible" leases forbid indemnity selection. The Attorney General's opinion (71 I.D. 65, 70) states that "accordingly I am of the opinion that inasmuch as the State of Utah filed the applications for selection pending in Interior *prior to a time when potash could be mined* from the selected lands, R.S. 2276(a)(3) does not bar your approval of those applications."

Much is made by Interior of disparate values and the increased value of oil shale lands.—It should be pointed out that at the time the State made selection of what has become known as the oil shale lands, it was also prior to a time when oil shale could be economically mined from the selected lands, and the value was purely speculative. Enhancement of value and speculative value are not acceptable criteria in Federal condemnation matters and are not acceptable criteria in selection matters.

The Statute cited above is clear. Equal acreage is the criteria in state selection. Under the Taylor Grazing Act, Section 8, "exchanges" are made on the basis of "equal area" or "equal value". The Section 8 exchange requirements are not applicable.

The Attorney General's opinion of February 7, 1963 (70 I.D. 65) states in dicta that the question of availability of particular lands for State indemnity selections was a matter within the discretionary authority of the Secretary granted by Section 7 of the Taylor Grazing Act.

On the strength of that Attorney General's opinion, the Secretary of the Interior claims the authority, under § 7 of the Taylor Grazing Act, to classify for retention in public ownership the lands the State seeks as lieu selections even if the State complies with all other statutory requirements. Thus, the Secretary is claiming the power to withhold from states their indemnity selections, guaranteed to them by 43 U.S.C. § 851–852. Congress never intended in § 7 of the Taylor Grazing Act to give the Secretary such a wide-sweeping power.

The purpose of § 7 should be viewed in the context of the House Report's description of the purpose of the Taylor Grazing Act:

"It should be understood that the whole purpose of the bill is to conserve the public range in aid of the livestock entry." (House Report No. 903, 73rd Cong. 2nd Session).

While the Act does give the Secretary a broad discretion to classify lands and thus to withhold them from uses he considers unwise, the discretion so granted was intended to give the Secretary power to choose among competing private interests in the lands. In the record of the debates of both House of Congress on the bill, and in the Reports of the House, Senate and Conference Committees which considered the legislation, there is no mention of granting the Secretary discretion to approve state indemnity selections. Any proposal to grant the Secretary such power would have been highly controversial among representatives of the public lands states and actively debated. The absence of any debate on this issue must be read to indicate an absence of Congressional intent to grant the power claimed.

The Department's reading of § 7 brings that section into conflict with 43 U.S.C. §§ 851–852 and therefore ought to be rejected. Any claim that the Secretary has power to withhold from states their indemnity selections conflicts with the terms of 43 U.S.C. § 851, which states in relevant part:

". . . other lands of equal acreage are hereby appropriated and granted, *and may be selected*, in accordance with the provisions of section 852. . . ." (in lieu of lands taken by settlements, preemption, etc." (emphasis supplied)

Further, any claim that § 7 of the Taylor Grazing Act acts as restriction as to the lands a state may select conflicts with the terms of 43 U.S.C. § 852, and must therefore be rejected. In 1958, subsequent to the enactment of the Taylor Grazing Act, 43 U.S.C. § 852 was amended to list the restrictions on selection of lands appropriated, by section 851. Those restrictions do not include reference to the Grazing Act.

Assuming arguendo that the dicta in the Attorney General's opinion when made had some merit, in 1966 Congress when confronted with the opportunity to affirm that holding and to adopt equal value legislation, specifically voted to table the bill which was drafted to accomplish this new procedure (H.R. 16, 89th Congress).

Another effort was made to have the "equal value" concept adopted through its addition to H.R. 5984, a bill which permitted the states to select unsurveyed lands. The Senate Interior Committee rejected the amendment and supported passage without an equal value requirement. The Committee's refusal to add the equal value proposal led the Justice Department to oppose final passage on that ground.

See attached exhibit "C" made a part hereof by reference.

Mr. STEVENS. Mr. President, I have another amendment at the desk.

The PRESIDING OFFICER. The clerk will state the second amendment of the Senator from Alaska.

The assistant legislative clerk read as follows:

On page 68, between lines 6 and 7, insert:

(f) Notwitstanding any other provisions of this Act, all laws of the United States in effect on the date immediately preceding the effective date of this Act relating to homesteading in the United States, shall on and after such effective date, continue to be applicable to lands within the State of Alaska classified by the Secretary as suitable for homestead entry in the same manner and same extent as if this Act had not been enacted until June 30, 1984.

Mr. STEVENS. Mr. President, this amendment, which has now been worked out with the committee, I hope will be accepted. It preserved the Homestead Laws in Alaska until the period of transition that I mentioned previously, the Alaska Native land selections, the Alaskan State land grants, and this freeze that is on during the period of the selection of these 80 million acres, or approximately that amount, for national interest areas.

It will allow the secretary to designate areas that would be suitable for homesteading if they are to be used at all during this period.

Mr. JACKSON. Mr. President, we have reviewed the amendment as revised and it is acceptable. The extension runs until 1984. We see no objection to it on the basis of the revisions that have been made, and recommend that the Senate approve the amendment.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. JACKSON. I yield back my time.

Mr. STEVENS. I yield back my 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 Alaska.

The amendment was agreed to.

Mr. HATFIELD. Mr. President, I wish to congratulate the Senator from Washington for his fine efforts as chairman of the Senate Interior committee on behalf of this legislation. I share his view of the importance of an organic act for the Bureau of Land Management and was pleased to participate in the development of this bill as a member of the Public Lands Subcommittee.

There is one point I would like to clarify today. When hearings were first conducted on S. 424 by our subcommittee, I asked the administration witness, Under Secretary of the Interior John Whitaker, if the proposal would have an impact on the management of the revested Oregon and California grant lands, known as the O. & C. lands. As the chairman is aware, these lands are managed under the direction of the act of August 28, 1937, as amended, which is really an organic act for these lands.

Secretary Whitaker's response was clear: Management of the O. & C. lands would continue as it has in the past. I ask unanimous consent that the relevant portion of the hearing record be printed in the RECORD immediately following my remarks as exhibit 1.

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

(See exhibit 1.)

Mr. HATFIELD. Mr. President, as the development of this bill progressed, the administration submitted a proposal of its own, designated S. 1041, and the committee combined S. 424 and S. 1041 in Committee Print No. 2 for markup purposes. At that time I wrote Secretary of the Interior Morton to obtain a departmental opinion as to whether any provision in the committee print would have an effect upon either the management and operation of these lands or upon distribution of the receipts from them. Again the response I received from the Department, in the form of a letter from Ken M. Brown, legislative counsel for the Interior Department, was that it would not. I ask unanimous consent that this correspondence be printed in the RECORD following my remarks as exhibit 2.

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

(See exhibit 2.)

Mr. HATFIELD. Mr. President, now, to make the RECORD absolutely clear on this point, I would like to inquire of the chairman about any impact on the revested Oregon and California grant lands which he feels might result from this legislation.

Mr. JACKSON. The Senator is correct, the enactment of S. 424 would not make any change in the O. and C. Lands Act. These lands would still be managed under the multiple-use principle just as they have been in the past, and there would be no change in the formula of revenue distribution.

EXHIBIT 1

Senator HATFIELD. Thank you, Mr. Chairman.

Mr. Secretary, you are familiar with Senate bill 2401 of the last Congress, which consisted of two prints, two committee prints dealing with this organic act for the BLM?

Secretary WHITAKER. I am generally familiar with the history of last year on the BLM Act. I can't say I am specifically familiar with the bill you are referring to.

Senator HATFIELD. This was the proposal to set up the BLM with the organic act only a little differently worded.

I would like to make legislative record at this point to make certain that we are clear.

The first print of last year's bill included a section which indirectly would have affected the O and C lands. In Committee Print 2 of last year's bill that was deleted and at that time I received a written letter from the Assistant Secretary of the Interior, Mr. Loesch, assuring me that it was not intended. That in neither case would the organic act proposal affect either the present management or the present distribution of the receipts from the O and C lands.

I just want to reestablish, that is the continuing opinion of the Department?

Secretary WHITAKER. Senator, I would like to reaffirm for the record that it is a fact, that it does not affect the funding, formula, or management of the O and C lands.

EXHIBIT 2

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 1, 1974.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: Secretary Morton has asked me to respond to your letter of April 11 requesting information on the impact Committee Print No. 2 of S. 424 and S. 1041 would have on management of the O & C lands.

The provisions of the National Resource Lands Management Act as set forth in Committee Print No. 2 (S. 424 and S. 1041) would not affect the management of the O & C lands in Oregon, nor would it affect the distribution of receipts therefrom.

Section 504(a) would repeal section 3 of the O & C Act which authorizes the Secretary to classify and restore to homestead entry or to purchase under certain laws O & C lands which are more suitable for agricultural use than for forest, recreation, or other public purposes. We included this section in the repeaters because the disposal laws to which it refers would be repealed.

Section 505 would repeal sections 1 and 2 of the Act of July 31, 1939 (53 Stat. 1144) which authorizes the Secretary, in administering the revested O & C lands and reconveyed Coos Bay Wagon Road grant lands, to exchange such lands for lands of approximately equal aggregate value in State, county, or private ownership, within or contiguous to the former limits of the grants. Section 213 of Committee Print No. 2 would provide more comprehensive and uniform exchange authority than the 1939 law, allowing for equalization of values by payment of cash.

The mandatory wilderness review amendment to the National Resource Lands Management Act would not appear to have a direct impact on O & C lands. A study of the lands by the Bureau of Land Management in connection with the Bureau's planning system indicates that there are no roadless areas of 5000 contiguous acres or roadless islands included in the O & C lands.

Sincerely yours,

KEN M. BROWN,
Legislative Counsel.

Mr. ROBERT C. BYRD. Senator TUNNEY is necessarily absent today and, at his request, I would like to insert his statement in the RECORD.

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

STATEMENT BY SENATOR TUNNEY

The National Resource Lands Management Act, which is being considered today, represents a long and dedicated effort by Senator Jackson and the members of the Senate Interior Committee, to secure fundamental reforms and improvement in the administration of the renewable resources on the 450 million acres of publicly held lands administered by the Bureau of Land Management in the Department of Interior.

This bill will codify and streamline existing law, repeal a series of out-moded laws, and write a new charter for use and management of these valuable public lands. The bill will assure that the resource managers will have the policy and tools to manage these lands wisely. It will provide broader and better ways to secure public advice and counsel, locally as well as nationally, to effect their wise management.

As a cosponsor of S. 424, I am particularly pleased that the Committee decided to include, as part of the final bill, a section dealing with the California Desert. California has 15.5 million acres of land managed by the Bureau of Land Management. It runs from our Northern to our Southern borders and encompasses the breadth of the state. It is fifteen percent of the state and represents a cross section of many kinds of natural resource lands. However, much of it is in desert and semi-desert parts of California and these lands are widely and heavily used. Where there is use there must be management if that use is going to be channelled in ways that do not destroy the land for this and coming generations. This section makes it possible, if adequate funding is provided, for this policy to be a beneficial reality. Between now and 1979, the Bureau of Land Management will be authorized and directed to prepare and implement a comprehensive, long-range plan for the management and protection of these lands. This Section represents a long-term effort by Senator Cranston and myself in the Senate and our colleagues in the House to make needed special provisions applicable to this ecologically fragile area. It will give Californians and others the opportunity to secure the benefits from this area while assuring that they will be available in perpetuity through wise and careful use.

Finally, I am pleased that this legislation includes a wilderness review provision which will require the Bureau of Land Management to identify and study all areas that meet the standards of the Wilderness Act of 1964, and to submit a report to Congress on each such area. This review procedure will insure that the Bureau of Land Management wildlands receive thorough consideration for possible designation as Wilderness Areas. In California, twenty-five areas, totaling some 1,081,000 acres have been identified by the Bureau of Land Management as meeting the Bureau's "primitive area" standards. This provision, assuring Wilderness review, is a first and essential step toward the protection of the potential wilderness areas on California's public domain lands.

Mr. METCALF. Mr. President, S. 424 is a bill that is long overdue. The Bureau of Land Management has jurisdiction over millions of acres of public land that is vital to the United States. This land supports a great deal of the grazing industry in America; it contains prime

recreation land, it lies across significant watersheds and is the home of wildlife and waterfowl. Much of it is grassland, but the land administered by the Bureau of Land Management is also forest land, riverfront, and swamps and contains mineral resources essential to America. Some of the most fragile land in our country is contained in this classification and yet the Bureau of Land Management has been the orphan of our land management team. In this bill Congress partially alleviates the inequity and goes a long way to restore the balance between the Forest Service, the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management. Already the chairman of the Committee on Interior and Insular Affairs, Senator JACKSON, and the ranking minority leader, Senator FANNIN, have described the need for this legislation and told you what it will accomplish. However, I would like the RECORD to show that carefully considered has been the amendment adding the Bureau of Land Management land to study under the Wilderness Act.

In connection with the wilderness review provisions of S. 424, the question has sometimes been asked as to why the lands administered by the Bureau of Land Management were not covered by the Wilderness Act of 1964.

As an advocate of that act during its 8 years of consideration in the Congress, first in the House and later as a Member of the Senate, I recall that we would not have had a Wilderness Act if we had tried to include the Bureau of Land Management under its provisions. Its omission was a price we had to pay for enactment of the bill.

Although it would have been desirable to include the Bureau of Land Management, we had to confront the fact that the Wilderness Act was not going to win acceptance by the Congress if it sought to establish a totally new Federal policy. Instead, its approach was to grant statutory sanction to the wilderness preservation policies already being practiced under the discretionary authorities of the Departments of Agriculture and the Interior.

The three agencies covered by the 1964 act—the Fish and Wildlife Service, Forest Service, and National Park Service—already were protecting wilderness-type lands under their existing, general statutory mandates. The Wilderness Act was designed to supplement those existing authorities in three basic ways: First, by giving statutory protection to the wilderness areas that had been designated by the Forest Service; second, by establishing a 10-year review procedure for other potential wilderness lands administered by all three agencies, with reports to the Congress on each area and a final decision by the Congress as to whether the area should be designated as wilderness; and third, by including all the wilderness areas in an integral system, the National Wilderness Preservation System, indicative of the basic national goal of preserving our remaining areas of wilderness.

This concept of the Wilderness Act of necessity did not include the public domain lands administered by the Bureau of Land Management. Unlike the other three land-managing agencies, the Bureau of Land Management in 1964 had no clear mandate to retain these lands in public ownership and no general mandate to manage them for general public purposes. The only mandates applicable were in the hundreds of laws providing for disposal of the public domain, and in the Taylor Grazing Act of 1934, which applied primarily to livestock grazing.

To have included the Bureau of Land Management under the Wilderness Act in 1964 would have been a major break with established policy governing the agency because it would have changed the disposal concept and initiated a wholly new approach to management of the public domain.

Now, however, we are in an entirely different situation. S. 424, the National Resource Lands Management Act, gives the Bureau of Land Management the statutory general authorities that it has lacked. S. 424 requires the Bureau of Land Management to retain and manage these lands for diverse public purposes, under a concept of multiple use like that applicable to the Forest Service for many years. The designation and protection of wilderness is completely consonant with the basic concepts of this bill.

In addition, since 1964, under the interim authorities of the Classification and Multiple Use Act of 1964, the Bureau of Land Management has wisely taken the initiative of establishing seven primitive areas and has begun studies of other potential primitive areas. This commendable action demonstrates that the Bureau of Land Management has the professional staff and the capability to ably carry out the wilderness review that is authorized by sections 102 and 103 of S. 424, just as the staffs of the sister agencies have been doing so well for the past 10 years. The primitive areas, already protected by administrative designation, will surely be prime candidates for designation by the Congress as wilderness. It take a particular interest in this, because two of the primitive areas happen to be in Montana.

In summary, Mr. President, the omission of the public domain lands from the Wilderness Act of 1964 was a regrettable compromise, made necessary by the lack of basic land management policies for those lands at the time. Now that we are remedying that lack of policy through enactment of S. 424, it is clearly appropriate to bring the Bureau of Land Managment into line with the other three Federal land-managing agencies by adopting the wilderness review provision.

Mr. JACKSON. I know of no further amendments, Mr. President.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute as amended.

The amendment as amended was agreed to.

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

Mr. JACKSON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

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

Mr. HANSEN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

The bill having been read the third time, the question is, shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from North Carolina (Mr. ERVIN), the Senator from Michigan (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PELL), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. FANNIN), the Senator from Florida (Mr. GURNEY), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I also announce that the Senator from New York (Mr. JAVITS) is absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. DOMENICI), the Senator from New York (Mr. JAVITS), and the Senator from Kentucky (Mr. COOK) would each vote "yea."

The result was announced—yeas 71, nays 1, as follows:

[No. 285 Leg.]

YEAS—71

Abourezk	Byrd, Robert C.	Goldwater
Aiken	Cannon	Gravel
Allen	Case	Griffin
Bartlett	Chiles	Hansen
Beall	Clark	Hartke
Biden	Curtis	Haskell
Brock	Dominick	Hatfield
Brooke	Eagleton	Hathaway
Burdick	Eastland	Hollings
Byrd, Harry F., Jr.	Fong	Hruska
	Fulbright	Humphrey

Jackson	Muskie	Sparkman
Johnston	Nelson	Stafford
Long	Nunn	Stennis
Mansfield	Packwood	Stevens
Mathias	Pastore	Symington
McClellan	Pearson	Taft
McClure	Proxmire	Talmadge
McGovern	Randolph	Thurmond
McIntyre	Ribicoff	Tower
Metcalf	Roth	Weicker
Metzenbaum	Schweiker	Williams
Mondale	Scott, Hugh	Young
Montoya	Scott, William L.	
Moss		

NAYS—1

Helms

NOT VOTING—28

Baker	Cranston	Javits
Bayh	Dole	Kennedy
Bellmon	Domenici	Magnuson
Bennett	Ervin	McGee
Bentsen	Fannin	Pell
Bible	Gurney	Percy
Buckley	Hart	Stevenson
Church	Huddleston	Tunney
Cook	Hughes	
Cotton	Inouye	

So the bill (S. 424) was passed, as follows:

S. 424

An act to provide for the management, protection, and development of the national resource lands, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Resource Lands Management Act".

TABLE OF CONTENTS

SEC. 2. DEFINITIONS.—As used in this Act:

(a) "The Secretary" means the Secretary of the Interior.

(b) "National resource lands" means all lands and interests in lands (including the renewable and nonrenewable resources thereof) now or hereafter administered by the Secretary through the Bureau of Land Management, except the Outer Continental Shelf.

(c) "Multiple use" means the management of the national resource lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including recreation and scenic values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment, with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

(d) "Sustained yield" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of land without permanent impairment of the quality and productivity of the land or its environmental values.

(e) "Areas of critical environmental concern" means areas within the national resource lands where special management attention is required when such areas are developed or used to protect, or where no development is required to prevent irreparable damage to, important historic, cultural, or scenic values, or natural systems or processes, or life and safety as a result of natural hazards.

(f) "Right-of-way" means an easement, lease, permit, or license to occupy, use, or traverse national resource lands granted for the purposes listed in title IV of this Act.

(g) "Holder" means any State or local governmental entity or agency, individual, partnership, corporation, association, or other business entity receiving or using a right-of-way under title IV of this Act.

SEC. 3. DECLARATION OF POLICY.—(a) Congress hereby declares that—

(1) the national resource lands are a vital national asset containing a wide variety of natural resource values;

(2) sound, long-term management of the national resource lands is vital to the maintenance of a livable environment and essential to the well-being of the American people;

(3) the national interest will be best realized if the national resource lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other Federal and State planning efforts; and

(4) except where disposal of particular tracts is made in accordance with title II, the national interest will be best served by retaining the national resource lands in Federal ownership.

(b) Congress hereby directs that the Secretary shall manage the national resource lands under principles of multiple use and sustained yield in a manner which will, using all practicable means and measures: (i) include the environmental quality of such lands to assure their continued value for present and future generations; (ii) include, but not necessarily be limited to, such uses as provision of food and habitat for wildlife, fish and domestic animals, minerals and materials production, supplying the products of trees and plants, human occupancy and use, and various forms of outdoor recreation; (iii) include scientific, scenic, historical, archeological, natural ecological, air and atmospheric, water resource, and other public values; (iv) include certain areas in their natural condition; (v) balance various demands on such lands consistent with national goals; (vi) assure payment of fair market value by users of such lands; and (vii) provide maximum opportunity for the public to participate in decisionmaking concerning such lands.

SEC. 4. RULES AND REGULATIONS.—The Secretary is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of this Act. The promulgation of such rules and regulations shall be governed by the Administrative Procedure Act (5 U.S.C. 553). Prior to the promulgation of such rules and regulations, the national resource lands shall be administered under existing rules and regulations concerning such lands.

SEC. 5. PUBLIC PARTICIPATION.—In exercising his authorities under this Act, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria for the preparation and execution of plans and programs concerning, and in the management of, the national resource lands.

SEC. 6. ADVISORY BOARDS AND COMMITTEES.—In providing for public participation in planning and programing for the national resource lands, the Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770) and other applicable law, may establish and consult such advisory boards and committees as he deems necessary to secure full information and advice on the execution of his responsibilities. The membership of such boards and committees shall be representative of a cross section of groups interested in the management of the national resource lands and the various types of use and enjoyment of such lands.

SEC. 7. ANNUAL REPORT.—The Secretary shall prepare an annual report which he shall make available to the public and submit to Congress no later than 120 days after the close of each fiscal year. The report shall describe, in appropriate detail, activities relating or pursuant to this Act for the fiscal

year just ended, any problems which may have arisen concerning such activities, and other pertinent information which will assist the accomplishment of the provisions and purposes of this Act. The report shall contain a detailed list and description of all transfers of national resource lands out of Federal ownership for the fiscal year just ended. It shall include such tables, graphs, and illustrations as will adequately reflect the fiscal year's activities, historical trends, and future projections relating to the national resource lands.

SEC. 8. DIRECTOR.—Appointments made on or after the date of the enactment of this Act to the position of the Director of the Bureau of Land Management, within the Department of the Interior, shall be made by the President, by and with the advice and consent of the Senate. The Director shall have a broad background and experience in public land and natural resource management.

SEC. 9. APPROPRIATIONS.—There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes and provisions of this Act.

TITLE I—GENERAL MANAGEMENT AUTHORITY

SEC. 101. MANAGEMENT.—The Secretary shall manage the national resource lands in accordance with the policies and procedures of this Act and with any land use plans which he has prepared, pursuant to section 103 of this Act, except to the extent that other applicable law provides otherwise. Such management shall include:

(1) regulating, through permits, licenses, leases, or such other instruments as the Secretary deems appropriate, the use, occupancy, or development of the national resource lands not provided for by other laws: *Provided, however,* That no provision of this Act shall be construed as authorizing the Secretary to require any Federal permit to hunt or fish on the national resource lands;

(2) requiring appropriate land reclamation as a condition of use, and requiring performance bonds or other security guaranteeing such reclamation in a timely manner from any person permitted to engage in an extractive or other activity likely to entail significant disturbance to or alteration of the national resource lands: *Provided, however,* That no provision of this Act shall in any way amend the Mining Law of 1872, as amended and supplemented (Revised Statutes 2318–2352), or impair the rights of any locators of claims under that Act.

(3) inserting in permits, licenses, leases, or other authorizations to use, occupy, or develop the national resource lands, provisions authorizing revocation or suspension, after notice and hearing, of such permits, licenses, leases, or other authorizations, upon final administrative finding of a violation of any regulations issued by the Secretary under any Act applicable to the national resource lands or upon final administrative finding of a violation on such lands of any applicable State or Federal air or water quality standard or implementation plan: *Provided,* That the Secretary may order an immediate temporary suspension prior to a hearing or final administrative finding if he determies that such a suspension is necessary to protect public health or safety or the environment: *Provided further,* That, where other applicable law contains specific provisions for suspension, revocation, or cancellation of a permit, license, or other authorization to use, occupy, or develop the national resurce lands, the specific provisions of such law shall prevail; and

(4) the prompt development of regulations for the protection of areas of critical environmental concern.

SEC. 102. INVENTORY.—(a) The Secretary shall prepare and maintain on a continuing basis an inventory of all national resource lands, and their resource and other values (including outdoor recreation and scenic values) giving priority to areas of critical environmental concern. Areas containing wilderness characteristics as described in section 2(c) of the Act of September 3, 1964 (78 Stat. 890) shall be identified within five years of enactment of this Act. The inventory shall be kept current so as to reflect changes in conditions and in identifications of resource and other values. The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change in the management or use of national resource lands.

(b) The Secretary, where he determines it to be appropriate, may provide (i) means of public identification of national resource lands, including signs and maps, and (ii) State and local governments with data from the inventory for the purpose of planning and regulating the uses of non-Federal lands in the proximity of national resource lands.

SEC. 103. LAND USE PLANS.—(a) The Secretary shall, with public participation, develop, maintain, and, when appropriate, revise land use plans for the national resource lands consistent with the terms and conditions of this Act and coordinated so far as he finds feasible and proper, or as may be required by the enactment of a national land use policy or other law, with the land use plans, including the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), of State and local governments and other Federal agencies.

(b) In the development and maintenance of land use plans, the Secretary shall:

(1) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and social sciences;

(2) give priority to the designation and protection of acres of critical environmental concern;

(3) rely, to the extent it is available, on the inventory of the national resource lands, their resources, and other values;

(4) consider present and potential uses of the lands;

(5) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;

(6) weigh long-term public benefits; and

(7) consider the requirements of applicable pollution control laws including State or Federal air or water quality standards, noise standards, and implementation plans.

(c) Any classification of national resource lands in effect on the date of enactment of this Act is subject to review in the land use planning process and such lands are subject to inclusion in land use plans pursuant to this section.

(d) Wherever any proposed change in the classification of, or permitted uses on, any national resource lands would affect authorization for use of such lands, persons holding leases, licenses, or permits concerning the use to be affected shall be given written notice by the Secretary of such proposed change at least sixty days before it is put into effect.

(e) Areas identified pursuant to section 102 as having wilderness characteristics shall be reviewed within fifteen years of enactment of this Act pursuant to the procedures set forth in subsections 3 (c) and (d) of the Act of September 3, 1964 (78 Stat. 892–893). Provided, however, That such review shall not, of itself, either change or prevent change in the management or use of the national resource lands.

TITLE II—CONVEYANCE AND ACQUISITION AUTHORITIES

SEC. 201. AUTHORITY TO SELL.—Except as otherwise provided by land, and subject to the requirements of section 3 of this Act, the Secretary is authorized to sell national resource lands. The national resource lands may be sold if the Secretary, in accordance with guidelines he has established for sale of national resource lands and after preparation pursuant to section 103 of this Act of a land use plan which includes any tract of such lands identified for sale, determines that the sale of such tract will not cause needless degradation of the evnvironment and meets the disposal criteria of section 203 of this Act.

SEC. 202. DISPOSAL CRITERIA.—(a) A tract of national resource lands may be transferred out of Federal ownership under this Act only where, as a result of land use planning required under section 103, the Secretary determines that—

(1) such tract of national resource lands, because of its location and other characteristics, is difficult to manage as part of the national resource lands and is not suitable for management by another Federal agency; or

(2) such tract of national resource lands was acquired for a specific purpose and the tract is no longer required for that or any other Federal purpose; or

(3) disposal of such tract of national resource lands will serve objectives which cannot be achieved prudently or feasibly on land other than such tract and which outweigh all public objectives and values which would be served by maintaining such tract in Federal ownership.

(b) Where the Secretary determines that land to be disposed of under clause (3) of subsection (a) is of agricultural value and is desert in character, such land shall be disposed of either under the sale authority of section 201 or in accordance with existing law.

SEC. 203. SALES AT FAIR MARKET VALUE.—Sales of national resource lands under this Act shall be at not less than the appraised fair market value as determined by the Secretary.

SEC. 204. SIZE OF TRACTS.—The Secretary shall determine and establish the size of tracts of national resource lands to be sold on the basis of the land use capabilities and development requirements of the lands; and, where any such tract is sold for agricultural use, its size shall be no larger than necessary to support a family-sized farm.

SEC. 205. COMPETITIVE BIDDING PROCEDURES.—Except as to sales under section 208 hereof, sales of national resource lands under this Act shall be conducted under competitive bidding procedures to be established by the Secretary. However, where the Secretary determines it necessary and proper (i) to assure equitable distribution among purchasers of national resource lands, or (ii) to recognize equitable considerations or public policies, including but not limited to a preference to users, he is authorized to sell national resource lands with modified competitive bidding or without competitive bidding.

SEC. 206.—RIGHT TO REFUSE OR REJECT OFFER OF PURCHASE.—Until the Secretary has accepted an offer to purchase, he may refuse to accept any offer or may withdraw any land or interest in land from sale under this Act when he determines that consummation of the sale would not be consistent with this Act or other applicable law. The Secretary shall accept or reject, in writing, any offer to purchase made through competitive bid at his invitation no later than thirty days after the submission of such offer.

SEC. 207. RESERVATION OF MINERAL INTERESTS.—All conveyances of title issued by the Secretary under this Act, except conveyances under the exchange authority provided in section 213, shall reserve to the United States all minerals in the lands, together with the right to prospect for, mine, and remove the minerals under applicable law and

such regulations as the Secretary may prescribe: *Provided*, That, where prospecting, mining, or removing minerals reserved to the United States would interfere with or preclude the appropriate use or development of such land, the Secretary may (1) enter into covenants which provide that such activities shall not be pursued for a specified period or (2) convey the minerals in the conveyance of title in accordance with the provisions of section 208(a) (1) and (2) and (c) of this Act.

SEC. 208. CONVEYANCE OF RESERVED MINERAL INTERESTS.—(a) The Secretary may convey mineral interests owned by the United States where the surface is in non-Federal ownership, regardless of which Federal agency may have administered the surface, if he finds (1) that there are no mineral values in the land, or (2) that the reservation of the mineral rights in the United States is interfering with or precluding appropriate nonmineral development of the land and that such development is a more beneficial use of the land than mineral development.

(b) Conveyance of mineral interests pursuant to this section shall be made only to the record owner of the surface, upon payment of administrative costs and the fair market value of the interests being conveyed.

(c) The patent for any mineral interests conveyed pursuant to this section shall provide that, in the event that mineral development activities are initiated, the mineral interests of the owner or owners of the parcel of land on which such activities are initiated, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary may prescribe, shall revert to the United States.

(d) Before considering an application for conveyance of mineral interests pursuant to this section the Secretary shall require the deposit of a sum of money which he deems sufficient to cover administrative costs including, but not limited to, costs of conducting an exploratory program to determine the character of the mineral deposits in the land, evaluating the data obtained under the exploratory program to determine the fair market value of the mineral interests to be conveyed, and preparing and issuing the documents of conveyance. If the administrative costs exceed the deposit, the applicant shall pay the outstanding amount; and if the deposit exceeds the administrative costs, the applicant shall be given a credit for or refund of the excess.

(e) Moneys paid to the Secretary for administrative costs pursuant to subsection (d) of this section shall be paid to the agency which rendered the service and deposited to the appropriation then current.

SEC. 209. TERMS OF PATENT.—The Secretary shall insert in any patent or other document of conveyance he issues under this Act such terms, covenants, conditions, and reservations as he deems necessary to insure proper land use and protection of the public interest.

SEC. 210. CONFORMING CONVEYANCES TO STATE AND LOCAL PLANNING.—The Secretary shall not make conveyances of national resource lands under this Act which would be in conflict with State and local land use plans, programs, zoning, and regulations. At least ninety days prior to offering for sale or otherwise conveying national resource lands under this Act, the Secretary shall notify the Governor of the State within which such lands are located and the head of the governing body of any political subdivision of the State having zoning or other land use regulatory jurisdiction in the geographical area within which such lands are located, in order to afford the appropriate body the opportunity to zone or otherwise regulate, or change or amend existing zoning or other regulations concerning, the use of such lands prior to such conveyance.

SEC. 211. AUTHORITY TO ISSUE AND CORRECT DOCUMENTS OF CONVEYANCE.—Consistent with his authority to dispose of national resource lands, the Secretary is authorized to issue deeds, patents, and other indicia of title, and to correct such documents where necessary. In addition, the Secretary is authorized to make corrections on any documents of conveyance which have heretofore been issued on lands which would, at the time of their conveyance, have met the description of national resource lands.

SEC. 212. RECORDABLE DISCLAIMERS OF INTEREST IN LAND.—(a) After consulting with any affected Federal agency, the Secretary is authorized to issue a document of disclaimer of interest or interests in any lands in any form suitable for recordation, where the disclaimer will help remove a cloud on the title of such lands and where he determines (1) a record interest of the United States in lands has terminated by operation of law; or (2) the lands lying between the meander line shown on a plat of survey approved by the Bureau of Land Management or its predecessors and the actual shoreline of a body of water are not lands of the United States; or (3) accreted, relicted, or avulsed lands are not lands of the United States.

(b) No document of disclaimer shall be issued pursuant to this title unless the applicant therefor has filed with the Secretary an application in writing and notice of such application setting forth the grounds supporting such application has been published in the Federal Register at least ninety days preceding the issuance of such disclaimer and until the applicant therefor has paid to the Secretary the administrative costs of issuing the disclaimer as determined by the Secretary. All receipts shall be credited to the appropriation from which expended.

(c) Issuance of a document of disclaimer by the Secretary pursuant to the provisions of this section and regulations promulgated hereunder shall have the same effect as a quitclaim deed from the United States.

SEC. 213. ACQUISITION OF LAND.—(a) The Secretary is authorized to acquire, by purchase, exchange, or donation, lands or interests therein where necessary for proper management of the national resource lands: *Provided*, That land or interests in land may be acquired pursuant to this title by eminent domain only if necessary in order to secure access to national resource lands: *And provided further*, That any such national resource lands acquired by eminent domain shall be confined to as narrow a corridor as is necessary to serve such purpose.

(b) Acquisitions pursuant to this Act shall be consistent with applicable land use plans prepared by the Secretary under section 103 of this Act.

(c) In exercising the exchange authority granted by subsection (a) of this section, the Secretary may accept title to any non-Federal land or interests therein and in exchange therefor he may convey to the grantor of such land or interests any national resource lands or interests therein which, under section 202 of this Act, he finds proper for transfer out of Federal ownership and which are located in the same State as the non-Federal land to be acquired. The values of the lands eso exchanged either shall be equal, or if they are not equal, shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require.

(d) Lands acquired by exchange under this section or section 301(c) which are within the boundaries of the national forest system may be transferred to the Secretary of Agriculture for administration as part of, and in accordance with laws, rules, and regulations applicable to, the national forest system. Such transfer shall not result in the reduction in the percentage of in-lieu payments receivable by State and local governments. Lands acquired by exchange under this section or section 301(c) which are within the boundaries of national park, wildlife refuge, wild and scenic rivers, trails, or any other system established by Act of Congress may be transferred to the appropriate agency head for administration as part of, and in accordance with the laws, rules, and regulations applicable to, such system.

(e) Lands and interests in lands acquired pursuant to this section or section 301(c) shall, upon acceptance of title, become national resource lands, and, for the administration of public land laws not repealed by this Act, shall become public lands. If such acquired lands or interests in lands are located within the exterior boundaries of a grazing district established pursuant to section 1 of the Taylor Grazing Act (48 Stat. 1269), as amended, they shall become a part of that district.

TITLE III—MANAGEMENT IMPLEMENTING AUTHORITY

SEC. 301. STUDIES, COOPERATIVE AGREEMENTS, AND CONTRIBUTIONS.—(a) The Secretary may conduct investigations, studies, and experiments, on his own initiative or in cooperation with others, involving the management, protection, development, acquisition, and conveying of the national resource lands.

(b) The Secretary may enter into contracts or cooperative agreements involving the management, protection, development, acquisition, and conveying of the national resource lands.

(c) The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition, and conveying of the national resource lands, including the acquisition of rights-of-way for such purposes. He may accept contributions for cadastral surveying performed on federally controlled or intermingled lands. Moneys received hereunder shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct, for payment of expenses incident to the function toward the administration of which the contributions were made and for refunds to depositors of amounts contributed by them in specific instances where contributions are in excess of their share of the cost.

SEC. 302. SERVICE CHARGES, REIMBURSEMENT PAYMENTS, AND EXCESS PAYMENTS. (a) Notwithstanding any other provision of law, the Secretary may establish filing fees, service fees and charges, and commissions with respect to applications and other documents relating to national resource lands and may change and abolish such fees, charges, and commissions.

(b) The Secretary is authorized to require a deposit of any payments intended to reimburse the United States for extraordinary costs with respect to applications and other documents relating to national resource lands. The moneys received for extraordinary costs under this subsection shall be deposited with the Treasury in a special account and are hereby appropriated and made available until expended. As used in this subsection, "extraordinary costs" include but are not limited to the costs of special studies; environmental impact statements; monitoring construction, operation, maintenance, and termination of any authorized facility; or other special activities.

(c) In any case where it shall appear to the satisfaction of the Secretary that any person has made a payment under any statute relating to the sale, lease, use, or other disposition of the national resource lands which is not required or is in excess of the amount required by applicable law and the regulations issued by the Secretary, the Secretary, upon application or otherwise, may cause a refund to be made from applicable funds.

SEC. 303. WORKING CAPITAL FUND.—(a) There is hereby established a working capital

fund for the management of national resource lands. This fund shall be available without fiscal year limitation for expenses necessary for furnishing, in accordance with the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and regulations promulgated thereunder, supplies and equipment services in support of Bureau of Land Management programs, including but not limited to, the purchase or construction of storage facilities, equipment yards, and related improvements and the purchase, lease, or rent of motor vehicles, aircraft, heavy equipment, and fire control and other resource management equipment within the limitations set forth in appropriations made to the Bureau of Land Management.

(b) The initial capital of the fund shall consist of appropriations made for that purpose together with the fair and reasonable value at the fund's inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the fund. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

(c) The fund shall be credited with payments from appropriations and funds of the Bureau of Land Management, other agencies of the Department of the Interior, other Federal agencies, and other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities, supplies, equipment, and services (including depreciation and accrued annual leave). Such payments may be made in advance in connection with firm orders, or by way of reimbursement.

(d) There is hereby authorized to be appropriated not to exceed $3,000,000 as initial capital of the working capital fund.

SEC. 304. DEPOSITS AND FORFEITURES.—(a) Any moneys received by the United States as a result of the forfeiture of a bond or other security by a resource developer or purchaser or permittee who does not fulfill the requirements of his contract or permit or does not comply with the regulations of the Secretary; or as a result of a compromise or settlement of any claim whether sounding in tort or in contract involving present or potential damage to national resource lands shall be credited to a separate account in the Treasury and are hereby appropriated and made available, until expended as the Secretary may direct, to cover the cost to the United States of any improvement, protection, or rehabilitation work on the national resource lands which has been rendered necessary by the action which has led to the forfeiture, compromise, or settlement.

(b) The Secretary may require a user or users of roads, trails, lands, or facilities under the jurisdiction of the Bureau of Land Management to maintain such roads, trails, lands, or facilities in a satisfactory condition commensurate with tions of the Secretary, or as a result of a compromise or the extent of such maintenance to be shared by the users in proportion to such use or, if such maintenance cannot be so provided to deposit sufficient money to enable the Secretary to provide such maintenance. Such deposits shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct, to cover the cost to the United States of the maintenance of any road, trail, lands, or facility under the jurisdiction of the Bureau of Land Management: Provided, That nothing in this subsection shall be construed to require the user or users to provide maintenance or deposits to repair any damages attributable to general public use rather than the specific use or uses of such user or users.

(c) Any moneys collected under this Act in connection with lands administered under the Act of August 28, 1937 (50 Stat. 874), as amended, shall be expended for the benefit of such land only.

(d) If any portion of a deposit or amount forfeited under this Act is found by the Secretary to be in excess of the cost of doing the work authorized under this Act, the amount in excess shall be transferred to miscellaneous receipts.

SEC. 305. CONTRACTS FOR CADASTRAL SURVEY OPERATIONS AND RESOURCE PROTECTION.—(a) The Secretary is authorized to enter into contracts for the use of aircraft, and for supplies and services, prior to the passage of an appropriation therefor, for airborne cadastral survey and resource protection operations of the Bureau of Land Management. He may renew such contracts annually, not more than twice, without additional competition. Such contracts shall obligate funds for the fiscal years in which the costs are incurred.

(b) Each such contract shall provide that the obligation of the United States for the ensuing fiscal years is contingent upon the passage of an applicable appropriation, and that no payment shall be made under the contract for the ensuing fiscal years until such appropriation becomes available for expenditure.

SEC. 306. UNAUTHORIZED USE.—The use, occupancy, or development of any portion of the national resource lands contrary to any regulation of the Secretary or other responsible authority, or contrary to any order issued to pursuant to any such regulation, is unlawful and prohibited.

SEC. 307. ENFORCEMENT AUTHORITY.—(a) Any violation of regulations which the Secretary issues with respect to the management, protection, development, acquisition, and conveying of the national resource lands and property located thereon and which the Secretary identifies as being subject to this section shall be punishable by a fine of not more than $1,000 or imprisonment for not more than twelve months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18 of the United States Code.

(b) At the request of the Secretary, the Attorney General may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from using the national resource lands in violation of laws or regulations relating to lands or resources managed by the Secretary.

(c) For the specific purpose of enforcing any law or regulation relating to lands or resources managed by the Secretary, the Secretary may designate any employee to (i) carry firearms; (ii) execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; (iii) make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view, or for a felony if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; (iv) search without warrant or process any person, place, or conveyance as provided by law; and (v) seize without warrant or process any evidentiary item as provided by law.

SEC. 308. COOPERATION WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—In connection with administration and regulation of the use and occupancy of the national resource lands, the Secretary is authorized to cooperate with the regulatory and law enforcement officials of any State or political subdivision thereof. Such cooperation may include reimbursement to a State or its subdivision for expenditures incurred by it in connection with activities which assist in the administration and regulation of use and occupancy of national resource lands.

SEC. 309. CALIFORNIA DESERT AREA.—(a) The Congress finds that—

(1) the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, and educational resources that are unique and irreplaceable;

(2) the desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed;

(3) the desert environment and its resources, including certain rare and endangered species of wildlife, plants, and fishes, and numerous archeological and historic, sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use, particularly recreational use;

(4) because of the proximity of the California desert to the rapidly growing population centers of southern California, these threats are certain to intensify;

(5) the Secretary has initiated a comprehensive planning process and established an interim management program for the California desert; and

(6) to insure further study of the relationship of man and the desert environment and preserve the unique and irreplaceable resources of the California desert, the public must be provided more opportunity to participate in such planning and management, and additional management authority must be provided to the Secretary to enable effective implementation of such planning and management.

(b) It is the purpose of this section to provide for the immediate and future protection and management of the California desert within the framework of a program of multiple use and the maintenance of environmental quality.

(c) (1) For the purpose of this section, the "California desert area" is the area generally depicted on a map entitled "California Desert Area—Proposed", dated April 1974, and on file in the Office of the Director of the Bureau of Land Management.

(2) As soon as practicable after this Act takes effect, the Secretary shall file a map and a legal description of the California desert area with the Committees on Interior and Insular Affairs of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made by the Secretary. To the extent practicable, the Secretary shall make such legal description and may available to the public promptly upon request.

(d) The Secretary, in accordance with section 103, shall prepare and implement a comprehensive, long-range plan for the management, use, and protection of the national resource lands within the California desert area. Such plan shall be completed and implementation thereof initiated on or before June 30, 1979.

(e) During the period beginning on the date of enactment of this Act and ending on the effective date of implementation of the comprehensive, long-range plan, the Secretary shall execute an interim program to manage and protect the national resource lands, and their resources now in danger of destruction, in the California desert area, to provide for the public use of such lands in an orderly and reasonable manner such as through the development of campgrounds and visitor centers, and to provide for a uniformed desert ranger force.

(f) (1) The Secretary, within sixty days of

enactment of this Act, shall establish a California Desert Area Advisory Committee (hereinafter referred to as "advisory committee") in accordance with the provisions of section 6 of this Act.

(2) It shall be the function of the advisory committee to advise the Secretary with respect to the preparation and implementation of the comprehensive, long-range plan required under subsection (d) of this section.

(g) The Secretaries of Agriculture and Defense shall manage lands within their respective jurisdictions located in or adjacent to the California desert area, in accordance with the laws relating to such lands and wherever practicable, in a manner consonant with the purpose of this section. The Secretaries of the Interior, Agriculture, and Defense are authorized and encouraged to consult among themselves and take cooperative actions to carry out this subsection.

(h) The Secretary shall report to the Congress no later than two years after the enactment of this Act, and annually thereafter in the report required in section 7 of this Act, on the progress in, and any problems concerning, the implementation of this section, together with any recommendations, which he may deem necessary, to remedy such problems.

(i) There is authorized to be appropriated for fiscal years 1975 through 1979 not to exceed $40,000,000 to effect the purpose of this section, such amount to remain available until expended.

SEC. 310. OIL SHALE REVENUES.—Section 35 of the Act of February 25, 1920 (41 Stat. 450), as amended (30 U.S.C. 191), is further amended by striking the period at the end of the proviso and inserting in lieu thereof the language as follows: ": *And provided further*, That all moneys paid on or after January 1, 1974, to any State from sales, bonuses, royalties, and rentals of public lands for the purpose of research in or development of shale oil may be used by such State and its subdivisions for (1) planning, (2) construction and maintenance of public facilities, and (3) provision of public services, as the legislature of the State may direct.".

TITLE IV—AUTHORITY TO GRANT RIGHTS-OF-WAY

SEC. 401. AUTHORIZATION TO GRANT RIGHTS-OF-WAY.—(a) The Secretary is authorized to grant, issue, or renew rights-of-way over, upon, or through the national resource lands for—

(1) Reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment, storage, transportation, or distribution of water;

(2) Pipelines and other systems for the transportation or distribution of liquids and gases, other than oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, or water and for storage and terminal facilities in connection therewith;

(3) Pipelines, slurry and emulsion systems, and conveyor belts for transportation and distribution of solid materials, and facilities for the storage of such materials in connection therewith;

(4) Systems for generation, transmission, and distribution of electric energy, except that the applicant shall also comply with all applicable requirements of the Federal Power Commission under the Act of June 10, 1920, as amended (16 U.S.C. 796, 797);

(5) Systems for transmission or reception of radio, television, telegraph, and other electronic signals, and other means of communication;

(6) Roads, trails, highways, railroads, canals, tramways, airways, livestock driveways, or other means of transportation; and

(7) Such other necessary transportation or other systems or facilities which are in the public interest and which require rights-of-way over, upon, or through the national resource lands.

(b)(1) The Secretary shall require, prior to granting, issuing, or renewing a right-of-way, that the applicant submit and disclose any or all plans, contracts, agreements, or other information or material reasonably related to the use, or intended use, of the right-of-way which he deems necessary to a determination, in accordance with the provisions of this title, as to whether a right-of-way shall be granted, issued, or renewed and the terms and conditions which should be included in such right-of-way.

(2) If the applicant is a partnership, corporation, association, or other business entity, the Secretary, prior to granting a right-of-way pursuant to this title, shall require the applicant to disclose the identity of the participants in the entity. Such disclosure shall include, where applicable: (1) the name and address of each partner; (2) the name and address of each shareholder owning 3 per centum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote; and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

(c) Nothing in this title shall be deemed to limit in any way the authority of the Secretary to make grants, issue leases, licenses, or permits, or enter into contracts under other provisions of law, for purposes ancillary or complementary to the construction, operation, maintenance, or termination of any facility authorized under this title.

SEC. 402. RIGHT-OF-WAY CORRIDORS.—(a) After the Secretary has submitted the report required by section 28(s) of the Mineral Leasing Act of 1920, as amended by the Act of November 16, 1973 (87 Stat. 576), he shall, consistent with applicable land use plans, designate transportation and utility corridors on national resource lands and, to the extent practical and appropriate, require that rights-of-way be confined to them. In designating such corridors and in determining whether to require that rights-of-way be confined to them, the Secretary shall take into consideration National and State land use policies, environmental quality, economic efficiency, national security, safety, and good engineering and technological practices. The Secretary shall issue regulations containing the criteria and procedures he will use in designating such corridors. Any existing transportation and utility corridors may be designated as transportation and utility corridors pursuant to this subsection without further review.

(b) In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way across national resource lands, the use of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way granted pursuant to this title.

SEC. 403. GENERAL PROVISIONS.—(a) The Secretary shall specify the boundaries of each right-of-way as precisely as is practicable. Each right-of-way shall be limited to the ground which the Secretary determines: (1) will be occupied by facilities which constitute the project for which the right-of-way is given, (2) to be necessary for the operation or maintenance of the project, and (3) to be necessary to protect the environment or public safety. The Secretary may authorize the temporary use of such additional lands as he determines to be reasonably necessary for the construction, operation, maintenance, or termination of the project or a portion thereof, or for access thereto.

(b) The Secretary shall determine the duration of each right-of-way or other authorization to be granted, issued, or renewed pursuant to this title. In determining the duration the Secretary shall, among other things, take into consideration the cost of the facility and its useful life.

(c) Rights-of-way granted, issued, or renewed pursuant to this title shall be given under such regulations or stipulations, in accord with the provision of this title or any other law, and subject to such terms and conditions as the Secretary may prescribe regarding extent, duration, survey, location, construction, maintenance, and termination.

(d) The Secretary, prior to granting a right-of-way pursuant to this title for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way which shall comply with stipulations or with regulations issued by the Secretary. The Secretary shall issue regulations or impose stipulations which shall include, but shall not be limited to: (1) requirements to insure that activities on the right-of-way will not violate applicable air and water quality standards or applicable transmission, powerplant, and related facility siting standards established by or pursuant to law; (2) requirements designed to control or prevent (A) damage to the environment (including damage to fish and wildlife habitat), (B) damage to public or private property, and (C) hazards to public health and safety; and (3) requirements to protect the interests of individuals living in the general area traversed by the rights-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes. Such regulations shall be regularly revised. Such regulations shall be applicable to every right-of-way granted pursuant to this title, and may be applicable to rights-of-way to be renewed pursuant to this title.

(e) Mineral and vegetative materials, including timber, within or without a right-of-way may be used or disposed of in connection with construction or other purposes only if authorization to remove or use such materials has been obtained pursuant to applicable laws.

(f) No right-of-way shall be issued for less than the fair market value thereof as determined by the Secretary. The Secretary may, by regulation or prior to promulgation of such regulations, as a condition of a right-of-way, require an applicant for or holder of a right-of-way to reimburse the United States for all reasonable administrative and other costs incurred in processing an application for such right-of-way and in inspection and monitoring of construction, operation, and termination of the facility pursuant to such right-of-way: *Provided, however*, That rights-of-way may be granted, issued, or renewed to State or local governments or agencies or instrumentalities thereof, or to nonprofit associations or nonprofit corporations which are not themselves controlled or owned by profitmaking corporations or business enterprises, for such lesser charge as the Secretary finds equitable and in the public interest.

(g) The Secretary shall promulgate regulations specifying the extent to which holders of rights-of-way under this title shall be liable to the United States for damage or injury incurred by the United States in connection with the rights-of-way. The regulations shall also specify the extent to which such holders shall indemnify or hold harm-

less the United States for liabilities, damages, or claims arising in connection with the rights-of-way.

(h) Where he deems it appropriate, the Secretary may require a holder of a right-of-way to furnish a bond, or other security, satisfactory to the Secretary to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or by any rule or regulation of the Secretary.

(i) The Secretary shall grant, issue, or renew a right-of-way under this title only when he is satisfied that the applicant has the technical and financial capability to construct the project for which the right-of-way is requested, and in accord with the requirements of this title.

SEC. 404. TERMS AND CONDITIONS.—Each right-of-way shall contain such terms and conditions as the Secretary deems necessary to (1) carry out the purposes of this Act and rules and regulations hereunder; (2) protect the environment; (3) protect Federal property and monetary interests; (4) manage efficiently national resource lands which are subject to the right-of-way or adjacent thereto and protect the other lawful users of the national resource lands adjacent to or traversed by said right-of-way; (5) protect lives and property; (6) protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes; and (7) protect the public interest in the national resource lands.

SEC. 405. SUSPENSION OR TERMINATION OF RIGHT-OF-WAY.—Abandonment of the right-of-way or noncompliance with any provision of this title, condition of the right-of-way, or applicable rule or regulation of the Secretary may be grounds for suspension or termination of the right-of-way if, after due notice to the holder of the right-of-way and an appropriate administrative proceeding pursuant to title 5, United States Code, section 554, the Secretary determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed-upon condition, event, or time. If the Secretary determines that an immediate temporary suspension of activities within a right-of-way for violation of its terms and conditions is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding. Prior to commencing any proceeding to suspend or terminate a right-of-way the Secretary shall give written notice to the holder of the ground or grounds for such action and shall give the holder a reasonable time to assume use of the right-of-way or to comply with this title, condition, rule, or regulation as the case may be. Deliberate failure of the holder of the right-of-way to use the right-of-way for the purpose for which it was granted, issued, or renewed for any continuous five-year period shall constitute a rebuttable presumption of abandonment of the right-of-way *Provided, however*, That where the failure of the holder to use the right-of-way for the purpose for which it was granted, issued, or renewed for and continuous five-year period is due to circumstances not within the holder's control the Secretary is not required to commence proceedings to suspend or terminate the right-of-way.

SEC. 406. RIGHTS-OF-WAY FOR FEDERAL AGENCIES.—(a) The Secretary may reserve for the use of any department or agency of the United States a right-of-way over, upon, or through national resource lands, subject to such terms and conditions as he may impose. The provisions of this title shall be applicable to any such right-of-way.

(b) Where a right-of-way has been provided for the use of any department or agency of the United States, the Secretary shall take no action to terminate, or otherwise limit, that use without the consent of the head of that other department or agency.

SEC. 407. CONVEYANCE OF LANDS.—If under applicable law the Secretary decides to transfer out of Federal ownership, by patent, deed, or otherwise, any national resource lands covered in whole or in part by a right-of-way, including a right-of-way granted under the Act of November 16, 1973 (87 Stat. 576), the lands may be conveyed subject to the right-of-way; however, if the Secretary determines that retention of Federal control over the right-of-way is necessary to assure that the purposes of this title will be carried out, the terms and conditions of the right-of-way complied with, or the national resource lands protected, he shall (1) reserve to the United States that portion of the lands which lies within the boundaries of the right-of-way, or (2) convey the lands, including that portion within the boundaries of the right-of-way, subject to the right-of-way and reserving to the United States the right to enforce all or any of the terms and conditions of the right-of-way, including the right to renew it or extend it upon its termination and to collect rents.

SEC. 408. EXISTING RIGHTS-OF-WAY.—Nothing in this title shall have the effect of terminating any rights-of-way or rights-of-use heretofore issued, granted, or permitted by the Secretary. However, with the consent of the holder thereof, the Secretary may cancel such a right-of-way and in its stead issue a right-of-way pursuant to the provisions of this title.

SEC. 409. STATE STANDARDS.—The Secretary shall take into consideration and, to the extent practical, comply with State standards for right-of-way construction, operation, and maintenance if those standards are more stringent than Federal standards and if the national resource lands are adjacent to lands to which such State standards apply.

SEC. 410. EFFECT ON OTHER LAWS.—(a) After the date of enactment of this Act, no right-of-way for the purposes listed in this title shall be granted, issued, or renewed over, upon, or through national resource lands except under and subject to the provisions, limitations, and conditions of this title: *Provided*, That any application for a right-of-way filed under any other law prior to the date of enactment of this Act may, at the applicant's option, be considered as an application under this title or the Act under which the application was filed. The Secretary may require the applicant to submit any additional information he deems necessary to comply with the requirements of this title.

(b) Nothing in this title shall be construed to preclude the use of national resource lands for highway purposes pursuant to sections 107 and 317 of title 23, United States Code.

TITLE V—CONSTRUCTION OF LAW, PRESERVATION OF VALID EXISTING RIGHTS, AND REPEAL OF LAWS.

SEC. 501. CONSTRUCTION OF LAW.—(a) Except as provided in section 410, the authority conferred upon the Secretary by this Act is in addition to all other authority vested in him by law, and nothing in this Act shall be deemed to repeal any such other authority by implication.

(b) Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States, or—

(1) as affecting in any way any law governing appropriations or use of, or Federal right to, water on national resource lands;

(2) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;

(3) as displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two or more States and the Federal Government;

(4) as superseding, modifying, or repealing, except as specifically set forth in this Act, existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water resources or to exercise licensing or regulatory functions in relation thereto;

(5) as modifying the terms of any interstate compact;

(6) as a limitation upon any State criminal statute or upon the police power of the respective States, or as derogating the authority of a local police officer in the performance of his duties, or as depriving any State or political subdivision thereof of any right it may have to exercise civil and criminal jurisdiction on the national resource lands;

(7) as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national resource lands; or

(8) as amending, limiting, or infringing the existing laws providing grants of land to the States.

SEC. 502. VALID EXISTING RIGHTS.—All actions by the Secretary under this Act shall be subject to valid existing rights.

SEC. 503. REPEAL OF LAWS RELATING TO DISPOSAL OF NATIONAL RESOURCE LANDS.—(a) The following statutes or parts of statutes are repealed:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Homesteads:				
Revised Statute 2289				161, 171.
Mar. 3, 1891	561	5	26: 1097	161, 162.
Revised Statute 2290				162.
Revised Statute 2295				163.
Revised Statute 2291				164.
June 6, 1912	153		37: 123	164, 169, 218.
May 14, 1880	89		21: 141	166, 185, 202, 223.
June 6, 1900	821		31: 683	166, 223.
Aug. 9, 1912	280		37: 267	
Apr. 6, 1914	51		38: 312	167.
Mar. 1, 1921	90		41: 1193	
Oct. 17, 1914	325		38: 740	168.
Revised Statute 2297				169.
Mar. 3, 1881	153		21: 511	
Oct. 22, 1914	335		38: 766	170.
Revised Statute 2292				171.
June 8, 1880	136		21: 166	172.
Revised Statute 2301				173.
Mar. 3, 1891	561	6	26: 1098	
June 3, 1869	312	2	29: 197	
Revised Statute 2288				174.
Mar. 3, 1891	561	3	26: 1097	
Mar. 3, 1905	1424		33: 991	
Revised Statute 2296				175.
Apr. 28, 1922	155		42: 502	
May 17, 1900	479	1	31: 179	179.
Jan. 26, 1901	180		31: 740	180.
Sept. 5, 1914	294		38: 712	182.
Revised Statute 2300				183.
Aug. 31, 1918	166	8	40: 957	
Sept. 13, 1918	173		40: 960	
Revised Statute 2302				184, 201.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
July 26, 1892	251		27: 270	185.
Feb. 14, 1920	76		41: 434	186.
Jan. 21, 1922	32		42: 358	
Dec. 28, 1922	19		42: 1067	
June 12, 1930	471		46: 580	
Feb. 25, 1925	326		43: 981	187.
June 21, 1934	690		48: 1185	187a.
May 22, 1902	821	2	32: 203	187b.
June 5, 1900	716		31: 270	188, 217.
Mar. 3, 1875	131	15	18: 420	189.
July 4, 1884	180	Only last paragraph of sec. 1.	23: 96	190.
Mar. 1, 1933	160	1	47: 1418	190a.

The following words only: "Provided, That no further allotments of lands to Indians on the public domain shall be made in San Juan County, Utah, nor shall further Indian homesteads be made in said county under the Act of July 4, 1884 (23 Stat. 96; U.S.C. title 43, sec. 190)."

Revised Statutes 2310, 2311.				191.
June 13, 1902	1080		32: 384	203.
Mar. 3, 1879	191		20: 472	204.
July 1, 1879	60		21: 46	205.
May 6, 1886	88		24: 22	206.
Aug. 21, 1916	361		39: 518	207.
June 3, 1924	240		43: 357	208.
Revised Statute 2298				211.
Aug. 30, 1890	837		26: 391	212.

The following words only: "No person who shall after the passage of this act, enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry or settlement, is validated by this act."

Mar. 3, 1891	561	17	26: 1101	

The following words only: "and that the provision of 'An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes,' which reads as follows: 'No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws,' shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not to include lands entered or sought to be entered under mineral land laws."

Apr. 28, 1904	1776		33: 527	213.
Aug. 3, 1950	521		64: 398	
Mar. 2, 1889	381	6	25: 854	214.
Feb. 20, 1917	98		39: 925	215.
Mar. 4, 1921	162	1	41: 1433	216.
Feb. 19, 1909	160		35: 639	218.
June 13, 1912	166		37: 132	
Mar. 3, 1915	84		38: 953	
Mar. 3, 1915	91		38: 957	
Mar. 4, 1916	150	2	38: 1163	
July 3, 1916	220		39: 344	
Feb. 11, 1913	39		37: 666	218, 219.
June 17, 1910	298		36: 531	219.
Mar. 3, 1915	91		38: 957	
Sept. 5, 1916	440		39: 724	
Aug. 10, 1917	52	10	40: 275	
Mar. 4, 1915	150	1	38: 1162	220.
Mar. 4, 1923	245	1	42: 1445	222.
Apr. 28, 1904	1801		33: 547	224.
Mar. 2, 1907	2527		34: 1224	
May 29, 1908	220	7	35: 466	
Aug. 24, 1912	371		37: 499	
Aug. 22, 1934	270		38: 704	231.
Feb. 25, 1919	21		40: 1153	
July 3, 1916	214		39: 341	232.
Sept. 29, 1919	64		41: 288	233.
Apr. 6, 1922	122		42: 491	233, 272, 273.
Mar. 2, 1889	381	3	25: 854	234.
Dec. 29, 1894	14		28: 599	
July 1, 1879	63	1	21: 48	235.
Dec. 20, 1917	6		40: 430	236.
July 24, 1919	26	Next to last paragraph only.	41: 271	237.
Mar. 2, 1932	69		47: 59	237a.
May 21, 1934	320		48: 787	237b.
May 22, 1935	135		49: 286	237c.
Aug 19, 1935	560		49: 659	237d.
Mar. 31, 1938	57		52: 149	
Apr. 20, 1936	239		49: 1235	237e.
July 30, 1956	778	1, 2, 4	70: 715	237 f, g, h.
Mar. 1, 1921	102		41: 1202	238.
Apr. 7, 1922	125		42: 492	
Revised Statute 2308				239.
June 16, 1898	458		30: 473	240.
Aug. 29, 1916	420		39: 671	
Apr. 7, 1930	108		46: 144	243.
Mar. 3, 1933	198		47: 1424	243a.
Mar. 3, 1879	192		20: 472	251.
Mar. 2, 1889	381	7	25: 855	252.
June 3, 1878	152		20: 91	253.
Revised Statute 2294				254.
May 26, 1890	355		26: 121	
Mar. 11, 1902	182		32: 63	
Mar. 4, 1904	394		33: 59	
Feb. 23, 1923	105		42: 1281	
Revised Statute 2293				255.
Oct. 6, 1917	86		40: 391	
Mar. 4, 1913	149	Only last paragraph of section headed "Public Land Service."	37: 925	256.
May 13, 1932	178		47: 143	256a.
June 16, 1933	99		48: 274	
July 26, 1935	419		49: 504	
June 16, 1937	361		50: 303	
Aug. 27, 1935	770		49: 909	256b.
Sept. 30, 1890	J. Res. 59		26: 684	261.
June 16, 1880	244		21: 287	263.
Apr. 18, 1904	25		33: 589	
Revised Statute 2304				271.
Mar. 1, 1901	674		31: 847	271, 272.
Revised Statute 2305				272.
Feb. 25, 1919	37		40: 1161	272a.
Dec. 28, 1922	19		42: 1067	
Revised Statute 2306				274.
Mar. 3, 1893	208		27: 593	275.

The following words only: "And provided further: That where soldier's additional homestead entries have been made or initiated upon certificate of the Commissioner of the General Land Office of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land; but no person shall be permitted to acquire more than one hundred and sixty acres of public land through the location of any such certificate."

Aug. 18, 1894	301	Only last paragraph of Section headed "Surveying the Public Lands."	28: 379	276.
Revised Statute 2309				277.
Revised Statute 2307				278.
Sept. 21, 1922	357		42:990	
Sept. 27, 1944	421		58: 747	279-283.
June 25, 1946	474		60: 308	279.
May 31, 1947	88		61: 123	279, 280, 282.
June 18, 1954	306		68: 253	279, 282.
June 3, 1948	399		62: 305	283, 284.
Dec. 29, 1916	9	1-8	39: 862	291-298.
Feb. 28, 1931	328		46: 1454	291.
June 9, 1933	53		48: 119	291.
June 6, 1924	274		45: 469	292.
Oct. 25, 1918	195		40: 1016	293.
Sept. 29, 1919	63		41: 287	294, 295.
Mar. 4, 1923	245	2	42: 1445	302.
Aug. 21, 1916	361		39: 518	1075.
Aug. 28, 1937	876	3	50: 875	1181c.
2. Sale and Disposal Laws:				
Mar. 3, 1891	561	9	26: 1099	671.
Revised Statute 2354				673.
Revised Statute 2355				674.
May 18, 1898	344	2	30: 418	675.
Revised Statute 2365				676.
Revised Statute 2357				678.
June 15, 1880	227	3, 4	21: 238	679, 680.
Mar. 2, 1889	381	4	25: 854	681.
Mar. 1, 1907	2286		34: 1052	682.
June 1, 1938	317		52: 509	682a-e.
July 14, 1945	298		59: 467	
June 8, 1954	270		68: 239	
Revised Statute 2361				688.
Revised Statute 2362				689.
Revised Statute 2363				690.
Revised Statute 2368				691.
Revised Statute 2366				692.
Revised Statute 2369				693.
Revised Statute 2370				694.
Revised Statute 2371				695.
Revised Statute 2374				696.
Revised Statute 2372				697.
Feb. 24, 1909	181		35: 645	
May 21, 1926	353	The two provisos only.	44: 591	
Revised Statute 2375				698.
Revised Statute 2376				699.
Mar. 2, 1889	381	1	25: 854	700.
3. Townsite Reservation and Sale:				
Revised Statute 2380				711.
Revised Statute 2381				712.
Revised Statute 2382				713.
Aug. 24, 1954	904		68: 792	
Revised Statute 2383				714.
Revised Statute 2384				715.
Revised Statute 2386				717.
Revised Statute 2387				718.
Revised Statute 2388				719.
Revised Statute 2389				720.
Revised Statute 2391				721.
Revised Statute 2392				722.
Revised Statute 2393				723.
Revised Statute 2394				724.
Mar. 3, 1877	113	1, 3, 4	19: 392	725-727.
Mar. 3, 1891	561	16	26:1101	728.
July 9, 1914	138		38: 454	730.
Feb. 9, 1903	531		32: 820	731.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
4. Drainage Under State Laws:				
May 20, 1908	181	1–7	35: 171	1021–1027.
May 1, 1958	P.L. 85–387		72: 99	1029–1034.
Jan. 17, 1920	47		41: 392	1041–1048.
5. Abandoned Military Reservation:				
July 5, 1884	214	5	23: 104	1074.
Aug. 21, 1916	361		39: 518	1075.
Mar. 3, 1893	208		27: 593	1076.
The following words only: "Provided, That the President is hereby authorized by proclamation to withhold from sale and grant for public use to the municipal corporation in which the same is situated all or any portion of any abandoned military reservation not exceeding twenty acres in one place."				
Aug. 23, 1894	314		28: 491	1077, 1078.
Feb. 11, 1903	543		32: 822	1079.
Feb. 15, 1895	92		28: 664	1080, 1077.
Apr. 23, 1904	1496		33: 306	1081.
6. Public Lands; Oklahoma:				
May 2, 1890	182	Last paragraph of sec. 18 and secs. 20, 21, 22, 24, 27.	26: 90	1091–1094, 1096, 1097.
Mar. 3, 1891	543	16	26: 1026	1098.
Aug. 7, 1946	772	1, 2	60: 872	1100–1101.
Aug. 3, 1955	498	1–8	69: 445	1102–1102g.
May 14, 1890	207		26: 109	1111–1117.
Sept. 1, 1893	J. Res. 4		28: 11	1118.
May 11, 1896	168	1, 2	29: 116	1119.
Jan. 18, 1897	62	1–3, 5, 7	29: 490	1131–1134.
June 23, 1897	8		30: 105	
Mar. 1, 1899	328		30: 966	
7. Sales of Isolated Tracts:				
Revised Statute 2455				1171.
Feb. 26, 1895	133		28: 687	
June 27, 1906	3554		34:517	
Mar. 28, 1912	67		37: 77	
Mar. 9, 1928	164		45: 253	
June 28, 1934	865	14	48: 1274	
July 30, 1947	383		61: 630	
Apr. 24, 1928	428		45: 457	1171a.
May 23, 1930	313		46: 377	1171b.
Feb. 4, 1919	13		40: 1055	1172.
May 10, 1920	178		41: 595	1173.
Aug. 11, 1921	62		42: 159	1175.
May 19, 1926	337		44: 566	1176.
Feb. 14, 1931	170		46: 1105	1177.
8. Alaska Special Laws				
Mar. 3, 1891	561	11	26: 1099	732.
May 25, 1926	379		44: 629	733–736.
May 29, 1963	P.L. 88–34		77: 52	
July 24, 1947	305		61: 414	738.
May 14, 1898	299	1	30: 409	270.
Mar. 3, 1903	1002		32: 1028	
Apr. 29, 1950	137	1	64: 94	
Aug. 3, 1950	496		69: 444	270, 687a–2.
Apr. 29, 1950	137	2–5	64: 95	270, 270–5.
July 11, 1955	571	2	70: 529	270–6, 270–7, 687a–1.
July 8, 1916	228		39: 352	270–8, 270–9.
June 28, 1918	110		40: 632	270–10, 270–14.
July 11, 1956	571	1	70: 528	
Mar. 8, 1922	96	1	42: 415	270–11.
Aug. 23, 1958	P.L. 85–725	1, 4	72: 730	
Aug. 17, 1961	P.L. 87–147		75: 384	270–13.
Oct. 3, 1962	P.L. 87–742		76: 740	
Apr. 13, 1926	121		44: 243	270–15.
Apr. 29, 1950	134	3	64: 93	270–16, 207–17.
May 14, 1898	299	10	30: 413	270–4, 687a to 687a–5.
Mar. 3, 1927	323		44: 1364	
May 26, 1934	357		48: 809	
Aug. 23, 1958	P.L. 85–725	3	72: 730	
Mar. 3, 1891	561	13	26: 1100	687a–6.
Aug. 30, 1949	521		63: 679	687b to 687b–4.
July 19, 1963	P.L. 88–66		77: 80	687b–5.
9. Pittman Underground Water Act:				
Sept. 22, 1922	400		42:1012	356.

(b) Section 7 of the Taylor Grazing Act, 48 Stat. 1272, ch. 865, as amended by section 2 of the Act of June 26, 1936, 49 Stat. 1976, ch. 842, title I, 43 U.S.C. 315f, is further amended to read as follows:

"The Secretary of the Interior is authorized, in his discretion to examine and classify any lands withdrawn or reserved by Executive order of November 26, 1934 (numbered 6910), and amendments thereto, and Executive order of February 5, 1935 (numbered 6964), or within a grazing district, which are more valuable or suitable for any other use than for the use provided for under this Act, or proper for acquisition in satisfaction of any outstanding lien, exchange or land grant, and to open such lands to disposal in accordance with such classification under applicable public land laws. Such lands shall not be subject to disposition until after the same have been classified and opened to disposal.".

(c) Section 2 of the Act of March 8, 1922, 42 Stat. 416, ch. 96, as amended by section 2 of the Act of August 23, 1958, 72 Stat. 730, Public Law 85–725, 43 U.S.C. 270–12, is further amended to read:

"The coal, oil, or gas deposits reserved to United States in accordance with the Act of March 8, 1922 (42 Stat. 415, ch. 96, as added to by the Act of August 17, 1961, 75 Stat. 384, Public Law 87–147, and amended by the Act of October 3, 1962, 76 Stat. 740, Public Law 87–742), shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine or remove the coal or to drill for and remove the oil or gas under the laws of the United States shall have the right at all times to enter upon the lands patented under the Act of March 8, 1922, as amended, and in accordance with the provisions hereof, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove oil and gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided,* That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided further,* That nothing in this Act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase.".

(e) Section 3 of the Act of August 30, 1949, 63 Stat. 679, ch. 521, 43 U.S.C. 687b–2, is amended to read:

"Notwithstanding the provisions of any Act of Congress to the contrary, any person who prospects for, mines, or removes any minerals from any land disposed of under the Act of August 30, 1949 (63 Stat. 679, ch. 521), shall be liable for any damage that may be caused to the value of the land and tangible improvements thereon by such prospecting for, mining, or removal of minerals. Nothing in this section shall be construed to impair any vested right in existence on August 30, 1949.".

(f) Notwithstanding any other provision of this Act, all laws of the United States in effect on the date immediately preceeding the effective date of this Act relating to homesteading in the United States shall, on and after such effective date, continue to be applicable to lands within the State of Alaska classified by the Secretary as suitable for homestead entry in the same manner and same extent as if this Act had not been enacted until June 30, 1984.

SEC. 504. REPEAL OF LAWS RELATING TO ADMINISTRATION OF NATIONAL RESOURCE LANDS.— The following statutes or parts of statutes are repealed:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Mar. 2, 1895	174		28: 744	176.
2. June 28, 1934	865	8	48: 1272	315g.
June 26, 1936	842	3	49: 1976, title I.	
June 19, 1948	548	1	62: 533	
July 9, 1962	P.L. 87–524		76: 140	315g–1.
3. Aug. 24, 1937	744		50: 748	315p.
4. Mar. 3, 1909	271	2d proviso only.	35: 845	772.
June 25, 1910	J. Res. 40		36: 884	
5. June 21, 1934	689		48: 1185	871a.
6. Revised Statute	2447			1151.
Revised Statute	2448			1152.
7. June 6, 1874	223		18: 62	1153, 1154.
8. Jan. 28, 1879	30		20: 274	1155.
9. May 30, 1894	87		28: 84	1156.
10. Revised Statute	2450			1161.
Feb. 27, 1877	69	1	19: 244	
The following words only: "Section twenty-four hundred and fifty is amended by striking out in the fourth line the words 'Secretary of the Treasury' and inserting the words 'Secretary of the Interior'".				
Revised Statute	2451			1162.
February 27, 1877	69	1	19: 244	
The following words only: "Section twenty-four hundred and fifty-one is amended by striking out, in the first and second lines, the words 'Secretary of the Treasury' and inserting the words 'Secretary of the Interior'".				
Revised Statute	2456			1163.
Sept. 20, 1922	350		42: 857	
The Words: . . . and sections 2450, 2451, and 2456 be amended to read as follows:" and all words following in the Act.				
Revised Statute	2457			1164.
11. Mar. 3, 1891	561	7	26: 1098	1165.
12. Revised Statute	2471			1191.
Revised Statute	2472			1192.
Revised Statute	2473			1193.
13. July 14, 1960	P.L. 86–649	101–202(a), 203–204(a), 301–303.	74: 506	1361, 1362, 1363–1383.
14. Sept. 26, 1970	P.L. 91–429		84: 885	1362a.
15. July 31, 1939	401	1, 2	53: 1144	

SEC. 505. REPEAL OF LAWS RELATING TO RIGHTS-OF-WAY.—(a) The following statutes or parts of statutes are repealed insofar as they apply to national resource lands:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Revised Statutes 2339				661.
The following words only: "and the right-of-way for the construction of ditches and canals for the purpose herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage."				
Revised Statutes 2340				661.
The following words only: ", or rights to ditches and reservoirs used in connection with such water rights,".				
Feb. 26, 1897	335		29: 599	664.
Mar. 3, 1899	427	1	30: 1233	665, 958 (16 U.S.C. 525).
The following words only: "that in the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right-of-way for a wagon road, railroad, or other highway over and across any forest reservation or reservoir site when in his judgment the public interests will not be injuriously affected thereby."				
Mar. 3, 1875	152		18: 482	934–939
May 14, 1898	299	2–9	30: 409	942–1 to 924–9.
Feb. 27, 1901	614		31: 815	943.
June 26, 1906	3548		34: 481	944.
Mar. 3, 1891	561	18–21	26: 1101	946–949.
Mar. 4, 1917	184	1	39: 1197	
May 28, 1926	409		44: 668	
Mar. 1, 1921	93		41: 1194	950.
Jan. 13, 1897	11	29: 484	952–955.	
Mar. 3, 1923	219		42: 1437	
Jan. 21, 1895	37	28: 635	28: 635	951, 956, 957.
May 14, 1896	179		29: 120	
May 11, 1898	292		30: 404	
Mar. 4, 1917	184	2	39: 1197	
Feb. 15, 1901	372		31: 790	959 (16 U.S.C. 79, 522).
Mar. 4, 1911	238		36: 1253	961 (16 U.S.C. 420, 523).
Only the last two paragraphs under the subheading "Improvement of the National Forests" under the heading "Forest Service".				
May 27, 1952	338		66: 95	
May 21, 1896	212		29: 127	962–965.
Apr. 12, 1910	155		36: 296	966–970.

(b) Notwithstanding the provisions of subsection (a) of this section, the following statute is repealed in its entirety:

Act of	Chapter	Section	Statute at Large	U.S. Code
Revised Statute 247				43 U.S.C. 932.

DISTRICT OF COLUMBIA CAMPAIGN FINANCE REFORM AND CONFLICT OF INTEREST ACT

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15074.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 15074) to regulate certain political campaign finance practices in the District of Columbia, and for other purposes and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. EAGLETON. I move that the Senate insist upon its amendment and agrees to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EAGLETON, Mr. INOUYE, and Mr. MATHIAS conferees on the part of the Senate.

AMATEUR ATHLETIC ACT OF 1974

Mr. ROBERT C. BYRD. Mr. President, would the Chair lay before the Senate the next order, please?

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3500 which the clerk will report.

The assistant legislative clerk read as follows:

A bill to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate and to promote physical fitness, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask that no time be charged against either side on this bill today.

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

The time on this bill is to be limited to 2 hours equally divided and controlled by the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON) with 30 minutes on any amendment except an amendment to be offered by the Senator from Kentucky (Mr. COOK) on which there is to be 1 hour.

ORDER FOR ADJOURNMENT TO 11 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 11 o'clock tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized on tomorrow, Mr. HARRY F. BYRD, JR., senior Senator from Virginia, be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, after the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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 TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after Mr. HARRY F. BYRD, JR., completes his statement tomorrow under the order previously stated, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 5 minutes each, at the conclusion of which the Senate will proceed to the consideration of the unfinished business, S. 3500.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows: The Senate will convene at 11 a.m.

After the two leaders or their designees have been recognized under the standing order, the Chair will recognize the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to 5 minutes each; at the conclusion of which the Senate will proceed to the consideration of S. 3500 under a time agreement.

Yea-and-nay votes are expected.

ADJOURNMENT TO 11 A.M.

Mr. JOHNSTON. Mr. President, I move, in accordance with the previous order, that the Senate adjourn until 11 a.m. tomorrow.

The motion was agreed to; and at 5:20 p.m. the Senate adjourned until tomorrow, Tuesday, July 9, 1974, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 8, 1974:

Federal Energy Administration

Robert Everard Montgomery, Jr., of Virginia, to be General Counsel of the Federal Energy Administration. (New position.)

Roger West Sant, of California, to be an Assistant Administrator of the Federal Energy Administration. (New position.)

Department of the Treasury

Stephen S. Gardner, of Pennsylvania, to be Deputy Secretary of the Treasury, vice William E. Simon, elevated.

Richard R. Albrecht, of Washington, to be General Counsel for the Department of the Treasury, vice Edward C. Schmults, elevated.

In the Army

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, Sections 3442 and 3447:

To be major general

Brig. Gen. John W. Vessey, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ronald J. Fairfield, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. James A. Grimsley, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Willard W. Scott, Jr., xxx-xx-xxxx, Army of the United States (colonel, United States Army).

Brig. Gen. Marvin D. Fuller, xxx-xx-xxxx Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Julius W. Becton, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Lawrence E. Van Buskirk, xxx-xx-xxxx, Army of the United States (colonel U.S. Army).

Brig. Gen. James M. Lee, xxx-xx-xxxx Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Calvert P. Benedict, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. William L. Webb, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard G. Trefry, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Bates C. Burnell, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Louis Rachmeler, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Albert R. Escola, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Lawrence M. Jones, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert W. Fye, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles R. Sniffin, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Haldane, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. John L. Gerrity, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Clay T. Buckingham, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. John A. Hoefling, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Paul F. Gorman, xxxx Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John C. McWhorter, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Philip R. Feir, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Leslie R. Sears, Jr., xxx-xx-xxxx Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Harry W. Brooks, Jr., xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Michael D. Healy, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of Title 10, United States Code, Sections 3284 and 3306:

To be brigadier general

Brig. Gen. Bates C. Burnell, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert W. Fye, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Lawrence M. Jones, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Donald V. Rattan, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Lawrence E. Van Buskirk, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles R. Sniffin, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. John C. McWhorter, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Calvert P. Benedict, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. John A. Hoefling, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. John E. Hoover, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. John L. Gerrity, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. William L. Webb, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Louis Rachmeler, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert J. Baer, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Rolland V. Heiser, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Haldane, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Maj. Gen. Gordon J. Duquemin, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Henry E. Emerson, xxx-xx-xxxx Army).

Army of the United States (colonel, U.S.

Maj. Gen. DeWitt C. Smith, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. L. Gordon Hill, Jr., xxx-xx-xxxx, Army).

Army of the United States (colonel, U.S.

Maj. Gen. Stan L. McClellan, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. John R. McGiffert II, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Alton G. Post, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Maj. Gen. James F. Hamlet, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Maj. Gen. Thomas H. Tackaberry, 555–26–9701, Army of the United States (colonel, U.S. Army).

Brig. Gen. Albert R. Escola, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Ronald J. Fairfield, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. John W. Vessey, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

In the Army

The following-named officers for promotion in the Army of the United States, under the provisions of Public Law 92–129.

ARMY PROMOTION LIST

To be lieutenant colonel

Aamodt, Ludvig J., xxx-xx-xxxx
Abrahamson, James L., xxx-xx-xxxx
Abrahamson, John D., xxx-xx-xxxx
Adair, Robert B., xxx-xx-xxxx
Adams, Charles M., II, xxx-xx-xxxx
Adams, James G., xxx-xx-xxxx
Adamson, Henry K., xxx-xx-xxxx
Addicott, Charles W., xxx-xx-xxxx
Admire, Larry R., xxx-xx-xxxx
Aleksiunas, Robert xxx-xx-xxxx
Alexander, Walter D., xxx-xx-xxxx
Allen, Jerry P., xxx-xx-xxxx
Allison, William C., xxx-xx-xxxx
Ament, Robert L., xxx-xx-xxxx
Amidon, Bert C., xxx-xx-xxxx
Ammons, David C., xxx-xx-xxxx
Anderson, Charles E., xxx-xx-xxxx
Anderson, Ollie P., xxx-xx-xxxx
Angolia, John R., xxx-xx-xxxx
Antayamichael R., xxx-xx-xxxx
Appleton, Forrest W., xxx-xx-xxxx
Areheart, Henry W., xxx-xx-xxxx
Armstrong, Charles, xxx-xx-xxxx
Armstrong, Donald R., xxx-xx-xxxx
Arnold, Steven L., xxx-xx-xxxx
Arsenault, Philip N., xxx-xx-xxxx
Askelson, Dennis L., xxx-xx-xxxx
Ault, James W., xxx-xx-xxxx
Averill, Ronald H., xxx-xx-xxxx
Badger, William W., xxx-xx-xxxx
Baeb, David E., xxx-xx-xxxx
Bagdonas, Edward, xxx-xx-xxxx
Bahniuk, Edward M., xxx-xx-xxxx
Bailey, Clark J., xxx-xx-xxxx
Baker, John E., xxx-xx-xxxx
Baker, Robert W., xxx-xx-xxxx
Balberde, Alexander, xxx-xx-xxxx
Baldwin, Ronald C., xxx-xx-xxxx
Balish, Warren N., xxx-xx-xxxx
Banks, James H., xxx-xx-xxxx
Barbe, Charles D., xxx-xx-xxxx
Barber, James F., xxx-xx-xxxx
Barkett, John S., xxx-xx-xxxx
Barkley, Craig C., xxx-xx-xxxx
Barmore, Frederick, xxx-xx-xxxx
Barnes, James M., xxx-xx-xxxx
Barnwell, Isaiah E., xxx-xx-xxxx
Barnwell, Marion L., xxx-xx-xxxx
Barrett, Donald G., xxx-xx-xxxx
Barrett, Peter J., xxx-xx-xxxx
Barrett, William M., xxx-xx-xxxx
Barrios, Roy J., xxx-xx-xxxx
Barros, John J., xxx-xx-xxxx
Barton, Charles D., xxx-xx-xxxx
Basham, Harold R., xxx-xx-xxxx
Batcheler, George E., xxx-xx-xxxx
Baugh, Raymond C., xxx-xx-xxxx
Beach, David R., xxx-xx-xxxx
Beakey, Danny J., xxx-xx-xxxx
Beard, Louin L., xxx-xx-xxxx
Beasley, John D., xxx-xx-xxxx
Beatty, Earl L., xxx-xx-xxxx
Beck, Frederick S., xxx-xx-xxxx
Beck, John A., xxx-xx-xxxx
Beckworth, Hancel A., xxx-xx-xxxx
Bedford, Ben C., Jr., xxx-xx-xxxx
Beech, Gary D. xxx-xx-xxxx

Begiebing, John W., xxxx
Behrens, Helmer H., xxx-xx-xxxx
Belisle, Aldorien E., xxx-xx-xxxx
Beltson, Richard D., xxx-xx-xxxx
Benagh, William E., xxx-xx-xxxx
Bennett, Clyde R., Jr., xxx-xx-xxxx
Benson, L. J., xxx-xx-xxxx
Benson, Roger R., xxx-xx-xxxx
Bentley, Robert G., xxx-xx-xxxx
Bergeron, Gary P., xxx-xx-xxxx
Berkley, Nathan R., xxx-xx-xxxx
Bernard, Richard A., xxx-xx-xxxx
Berta, Thomas L., xxx-xx-xxxx
Bertils, Bertel R., xxx-xx-xxxx
Beurket, Raymond T., xxx-xx-xxxx
Beyer, Alfred H., xxx-xx-xxxx
Bibbins, George L., xxx-xx-xxxx
Bickford, James E., xxx-xx-xxxx
Bickhart, Donald F., xxx-xx-xxxx
Biddle, Robert S., xxx-xx-xxxx
Bigley, Edward C., xxx-xx-xxxx
Birrane, John H., xxx-xx-xxxx
Bishop, Edward L., xxx-xx-xxxx
Bishop, John C., xxx-xx-xxxx
Bissell, Norman M., xxx-xx-xxxx
Blanchard, Charles, xxx-xx-xxxx
Blasco, Andrew P., xxx-xx-xxxx
Blevins, Dean S., xxx-xx-xxxx
Bohman, Jack E., xxx-xx-xxxx
Boller, Richard R., xxx-xx-xxxx
Bolton, Ernest W., xxx-xx-xxxx
Bopp, James E., xxx-xx-xxxx
Borgmann, Wayne A., xxx-xx-xxxx
Borlund, Thomas V., xxx-xx-xxxx
Borstorff, Allan R., xxx-xx-xxxx
Bosch, Brian J., xxx-xx-xxxx
Boston, Louis J., xxx-xx-xxxx
Boucher, Joseph M., xxx-xx-xxxx
Boulware, Jefferson, xxx-xx-xxxx
Bowling, Rodney I., xxx-xx-xxxx
Bowser, William H., xxx-xx-xxxx
Boyd, James R., xxx-xx-xxxx
Boyle, Russell T., Jr., xxx-xx-xxxx
Boysen, John H., xxx-xx-xxxx
Bradley Lee M., xxx-xx-xxxx
Bradner, James W., II, xxx-xx-xxxx
Braithwaite, David, xxx-xx-xxxx
Branon, Nelson, xxx-xx-xxxx
Brasher, Thurman W., xxx-xx-xxxx
Brass, Ronald W., xxx-xx-xxxx
Breen, William W., xxx-xx-xxxx
Brehaut, Joseph W., xxx-xx-xxxx
Bresette, Allen A., xxx-xx-xxxx
Breslin, Frederick, xxx-xx-xxxx
Brett, William J., xxx-xx-xxxx
Briel, Benjamin L., xxx-xx-xxxx
Briggs, Harold L., xxx-xx-xxxx
Britten, Samuel A., xxx-xx-xxxx
Broksicek, Don E., xxx-xx-xxxx
Broome, John M., xxx-xx-xxxx
Brown, Frank D., xxx-xx-xxxx
Brown, Glenn A., xxx-xx-xxxx
Brown, James H., xxx-xx-xxxx
Brown, Patty E., xxx-xx-xxxx
Brown, William E., xxx-xx-xxxx
Brownfield, Boyd J., xxx-xx-xxxx
Browning, Philip Y., xxx-xx-xxxx
Brownlee, Romie L., xxx-xx-xxxx
Brugnoni, John J., xxx-xx-xxxx
Buchanan, William J., xxx-xx-xxxx
Buckley, Benjamin C., xxx-xx-xxxx
Buckley, James M., xxx-xx-xxxx
Buckman, Leroy R., xxx-xx-xxxx
Buckner, James L., xxx-xx-xxxx
Budge, Larry D., xxx-xx-xxxx
Budrich, Dudley J., xxx-xx-xxxx
Buell, William C., xxx-xx-xxxx
Buffaloe, Laurence, xxx-xx-xxxx
Buford, Alfred E., xxx-xx-xxxx
Buford, William C., xxx-xx-xxxx
Buntyn, James R., xxx-xx-xxxx
Burchell, Larry E., xxx-xx-xxxx
Burlas, Joseph E., xxx-xx-xxxx
Burley, Earl B., xxx-xx-xxxx
Butts, William T., xxx-xx-xxxx
Byrd, Charles R., xxx-xx-xxxx
Byrd, Melvin L., xxx-xx-xxxx
Cacolice, John P., xxx-xx-xxxx
Cain, Morton G., xxx-xx-xxxx
Cale, Harvey E., xxx-xx-xxxx
Calhoun, George H., xxx-xx-xxxx
Callahan, Joel T., xxx-xx-xxxx
Camp, Junius W., Jr., xxx-xx-xxxx
Campbell, Albert, Jr., xxx-xx-xxxx
Campbell, J. Frank, xxx-xx-xxxx
Campbell, Robert P., xxx-xx-xxxx
Campi, Francis V., xxx-xx-xxxx
Cansler, Joe C., xxx-xx-xxxx
Cantrell, Ralph D., xxx-xx-xxxx
Capps, Eugene S., xxx-xx-xxxx
Carlin, John C., xxx-xx-xxxx
Carlisle, Allen D., xxx-xx-xxxx
Carlisle, Robert M., xxx-xx-xxxx
Carnero, Manuel, Jr., xxx-xx-xxxx
Carr, Glenn P., xxx-xx-xxxx
Carrier, David R., xxx-xx-xxxx
Carroll, Edward J., xxx-xx-xxxx
Carroll, Robert C., xxx-xx-xxxx
Cary, Kenneth R., xxx-xx-xxxx
Catlett, Charles, xxx-xx-xxxx
Cato, Richard W., xxx-xx-xxxx
Cephas, Earl F., xxx-xx-xxxx
Chalmers, Paul A., Jr., xxx-xx-xxxx
Chen, William S., xxx-xx-xxxx
Childers, Jerry W., xxx-xx-xxxx
Christensen, Don T., xxx-xx-xxxx
Chutter, Robert W., xxx-xx-xxxx
Cini, Lyn G., xxx-xx-xxxx
Cisneros, Marc A., xxx-xx-xxxx
Cisneros, Monico L., xxx-xx-xxxx
Clark, Harold E., xxx-xx-xxxx
Clarke, Gordon M., xxx-xx-xxxx
Clary, William T., xxx-xx-xxxx
Clement, Joe M., xxx-xx-xxxx
Clifton, James A., xxx-xx-xxxx
Clinton, James E., xxx-xx-xxxx
Cloud, Leon B., xxx-xx-xxxx
Cobb, Edward R., xxx-xx-xxxx
Cofield, James D., Jr., xxx-xx-xxxx
Coke, Jeffrey W., xxx-xx-xxxx
Colby, Nathaniel F., xxx-xx-xxxx
Conkel, Ronald P., xxx-xx-xxxx
Connor, George H., xxx-xx-xxxx
Connors, Francis X., xxx-xx-xxxx
Conway, Rody M., xxx-xx-xxxx
Cooley, Russell E., xxx-xx-xxxx
Cooper, Russell W., xxx-xx-xxxx
Coose, Alonzo, Jr., xxx-xx-xxxx
Corby, John F., xxx-xx-xxxx
Cotrupi, Francis J., xxx-xx-xxxx
Council, Robert L., xxx-xx-xxxx
Coyne, John F., Jr., xxx-xx-xxxx
Crafton, Walter H., xxx-xx-xxxx
Craig, Hal N., xxx-xx-xxxx
Crawford, George S., xxx-xx-xxxx
Crawley, Joe B., xxx-xx-xxxx
Crossley, Ross W., xxx-xx-xxxx
Crouch, James E., xxx-xx-xxxx
Crowley, Dennis J., xxx-xx-xxxx
Crumley, Michael H., xxx-xx-xxxx
Cude, Dywane D., xxx-xx-xxxx
Cullins, Robert B., xxx-xx-xxxx
Cumings, Thayer, xxx-xx-xxxx
Cunningham, Patrick, xxx-xx-xxxx
Cunningham, Tenonia, xxx-xx-xxxx
Currin, David M., xxx-xx-xxxx
Cyr, Arthur R., xxx-xx-xxxx
Daetz, Neil A., xxx-xx-xxxx
Dahill, John B., xxx-xx-xxxx
Dahlinger, Richard, xxx-xx-xxxx
Daknis, William R., xxx-xx-xxxx
Dalhausser, Robert, xxx-xx-xxxx
Dalton, Joel P., xxx-xx-xxxx
Daly, William F., Jr., xxx-xx-xxxx
Daniel, Howard, Jr., xxx-xx-xxxx
Danley, James M., xxx-xx-xxxx
Darling, Dean H., xxx-xx-xxxx
Dassonville, Curtis, xxx-xx-xxxx
Davis, Bruce H., xxx-xx-xxxx
Davis, Donald R., xxx-xx-xxxx
Davis, Joseph S., xxx-xx-xxxx
Davis, Medley M., xxx-xx-xxxx
Davis, Paris D., xxx-xx-xxxx
Davis, Thurmon F., xxx-xx-xxxx
Dawson, Lawrence S., xxx-xx-xxxx
Day, George E., xxx-xx-xxxx
Deatkine, Norvell B., xxx-xx-xxxx
Decker, Herbert F., xxx-xx-xxxx
Degrant, Robert L., xxx-xx-xxxx
Delikat, Stanley J., xxx-xx-xx...
Dellinger, George C., xxx-xx-xxxx
Delvy, Francis X., xxx-xx-xxxx
Demetrovich, Frederick, xxx-xx-xxxx
Demont, Robert W., xxx-xx-xxxx
Demouche, Louis F., xxx-xx-xxxx
Dendtler, Robert B., xxx-xx-xxxx
Denney, J. Thomas, xxx-xx-xxxx
Dennis, Harold B., xxx-xx-xxxx
Dennis, John A., xxx-xx-xxxx
Deste, Carlo W., xxx-xx-xxxx
Dewey, Lawrence R., xxx-xx-xxxx
Dexter, Charles E., xxx-xx-xxxx
DeYoung, Thomas A., xxx-xx-xxxx
Dice, Denis C., xxx-xx-xxxx
Dickey, Leonard H., xxx-xx-xxxx
Dickson, Carroll Z., xxx-xx-xxxx
Diehl, Thomas E., xxx-xx-xxxx
Dierickx, James E., xxx-xx-xxxx
Dietrich, Regis P., xxx-xx-xxxx
Digby, Kenneth F., xxx-xx-xxxx
Dill, Earnest W., xxx-xx-xxxx
Dimmick, Raymond, IV, xxx-xx-xxxx
Dishman, Benjamin E., xxx-xx-xxxx
Dolin, Gary F., xxx-xx-xxxx
Domal, Stanley J., xxx-xx-xxxx
Dominy, Charles E., xxx-xx-xxxx
Donaldson, Orlow B., xxx-xx-xxxx
Doran, William K., xxx-xx-xxxx
Downes, Michael M., xxx-xx-xxxx
Downey, Hal W., xxx-xx-xx...
Doyle, Noel J., Jr., xxx-xx-xxxx
Drewfs, Henry F., xxx-xx-xxxx
Drum, David J., xxx-xx-xxxx
Duchin, Ronald A., xxx-xx-xxxx
Duggan, Dennis M., xxx-xx-xxxx
Dumas, George C., xxx-xx-xxxx
Dunne, Rory W., xxx-xx-xxxx
Dunnington, Warren, xxx-xx-xxxx
Durham, James A., xxx-xx-xxxx
Durham, Marcellas, xxx-xx-xxxx
Durham, Thomas F., xxx-xx-xxxx
Dyer, Glenn H., xxx-xx-xxxx
Earp, Curtis D., xxx-xx-xxxx
Eberhardt, Glynn E., xxx-xx-xxxx
Edge, James G., xxx-xx-xxxx
Edmiston, Howard W., xxx-xx-xxxx
Edwards, Robert H., xxx-xx-xxxx
Eggleston, Carl B., xxx-xx-xxxx
Eiche, Jon J., xxx-xx-xxxx
Eldredge, Robert E., xxx-xx-xxxx
Elliott, Norman T., xxx-xx-xxxx
Emery, Bruce W., xxx-xx-xxxx
Emery, James S., xxx-xx-xxxx
Emmerson, Arthur, VI, xxx-xx-xxxx
Emmitt, Paul W., Jr., xxx-xx-xxxx
Endicott, Willard E., xxx-xx-xxxx
Engen, Dennis L., xxx-xx-xxxx
English, Beno L., Jr., xxx-xx-xxxx
Epperson, Theo S., xxx-xx-xxxx
Eskridge, Robert J., xxx-xx-xxxx
Estes, Ernest F., xxx-xx-xxxx
Evans, Alexander H., xxx-xx-xxxx
Fairweather, Robert, xxx-xx-xxxx
Farley, John C., xxx-xx-xxxx
Fears, Jimmie S., xxx-xx-xxxx
Felder, Ned E., xxx-xx-xxxx
Felsher, Edwin H., xxx-xx-xxxx
Felter, Jesse E., xxx-xx-xxxx
Felter, Joseph H., Jr., xxx-xx-xxxx
Fennell, George R., xxx-xx-xxxx
Ferdinando, Normand, xxx-xx-xxxx
Ferguson, Norman N., xxx-xx-xxxx
Fernandez, Victor M., xxx-xx-xxxx
Fetkenhour, Gordon, xxx-xx-xxxx
Fields, Charles G., xxx-xx-xxxx
Fine, Donald E., xxx-xx-xxxx
Fischer, Robert C., xxx-xx-xxxx
Fishburn, Ronald M., xxx-xx-xxxx
Fitchett, Donald J., xxx-xx-xxxx
Fitzmorris, William, xxx-xx-xxxx
Fleming, Thomas E., xxx-xx-xxxx
Flesher, Franklin A., xxx-xx-xxxx
Fletcher, Thomas H., xxx-xx-xxxx
Fluke, Eugene C., xxx-xx-xxxx
Forster, William H., xxx-xx-xxxx
Foster, Francis H., xxx-xx-xxxx
Foster, James E., xxx-xx-xxxx
Fowler, James H., xxx-xx-xxxx
Fraase, William K., xxx-xx-xxxx
Franz, Jay C., xxx-xx-xxxx
Freiler, John J., Jr., xxx-xx-xxxx

Fried, David E., xxxx
Fry, Llayll A., xxx-xx-xxxx
Fuller, Dwight H., xxx-xx-xxxx
Gabel, Michael A., xxx-xx-xxxx
Gallagher, Robert J., xxx-xx-xxxx
Gallo, Anthony J., Jr., xxx-xx-xx...
Garcia, Rafael G., xxx-xx-xxxx
Garn, George J., Jr., xxx-xx-xxxx
Garrett, Arthur W., xxx-xx-xxxx
Garrison, Darrold D., xxx-xx-xxxx
Gauerke, Mark H., xxx-xx-xxxx
Gavan, William H., xxx-xx-...
Gayler, James M., xxx-xx-xxxx
Geer, William A., Jr., xxx-xx-xxxx
Gegner, William R., xxx-xx-xxxx
Gehler, Donald C., xxx-xx-xxxx
Gennaro, Louis B., xxx-xx-xxxx
Gerhardt, Igor D., xxx-xx-xxxx
Gesulga, Theodore B., xxx-xx-xxxx
Gibbs, Philip E., xxx-xx-xxxx
Gilbert, John C., xxx-xx-xxxx
Gilbertson, Clarence, xxx-xx-xxxx
Gilbreath, John C., xxx-xx-xxxx
Gilmartin, Michael, xxx-xx-xxxx
Gleason, James E., xxx-xx-xxxx
Glynn, Michael G., xxx-xx-xxxx
Goff, Dewayne B., xxx-xx-xxxx
Gomez, Vincent C., xxx-xx-xxxx
Goo, Milton S., xxx-xx-xxxx
Goodall, Ralph E., xxx-xx-xxxx
Goodfellow, Robert, xxx-xx...
Goodpasture, Albert, xxx-xx-xxxx
Gordon, Bob F., xxx-xx-xxxx
Gordon, Jack J., xxx-xx-xxxx
Gorham, Frederick A., xxx-xx-xxxx
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Simpkins, Richard D., xxx-xx-xxxx
Sindoni, Samuel S., xxx-xx-xxxx
Singer, Lawrence A., xxx-xx-xxxx
Sisson, Brooks H., xxx-xx-xxxx
Sisterman, Lawrence, xxx-xx-xxxx
Skidmore, John D., xxx-xx-...
Skowronek, Richard, xxx-xx-xxxx
Slifer, Richard D., xxx-xx-xxxx
Slusher, Billy J., xxx-xx-xxxx
Smith, Billy V., xxx-xx-xxxx
Smith, Byrd, xxx-xx-xxxx
Smith, Charles E., xxx-xx-xxxx
Smith, Don E., xxx-xx-...
Smith, Harold L., xxx-xx-xxxx
Smith, Jack C., xxx-xx-xxxx
Smith Lee C., Jr., xxx-xx-xxxx
Smith, Paul M., xxx-xx-xxxx
Smith, Warren S., xxx-xx-xxxx
Snare, Ross W., Jr., xxx-xx-xxxx
Snider, Don M., xxx-xx-xxxx
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Sorenson, Wilbert W., xxx-xx-xxxx
Southern, Kermitt E., xxx-xx-xxxx
Sovine, Keith, xxx-xx-xxxx
Spanjers, Leonard J., xxx-xx-xxxx
Spencer, Harvard L., xxx-xx-xxxx
Spera, Francis P., xxx-xx-xxxx
Sperber, Ronald H., xxx-xx-xxxx
Spisak, John J., xxx-xx-xxxx
Sponseller, James M., xxx-xx-xxxx
Sprague, Billy F., xxx-xx-...
Springfield, Bruce, xxx-xx-xxxx
Squire, John H., xxx-xx-xxxx
Stachel, Robert D., xxx-xx-xxxx
Stanford, John H., xxx-xx-xxxx
Stanley, Charles M., xxx-xx-xxxx
Stanley, Frederick, xxx-xx-xxxx
Stansell, Ernest L., xxx-xx-xxxx
Staples, Frederick, xxx-xx-xxxx
Starling, James D., xxx-xx-xxxx
Starsman, Raymond E., xxx-xx-xxxx
Stead, Robert W., xxx-xx-xxxx
Steakley, David L., xxx-xx-xxxx
Stebbins, Allen F., xxx-xx-...
Stebbins, Ronald S., xxx-xx-xxxx
Steedly, Ronald E., xxx-xx-xxxx
Steelman, Clifford, xxx-xx-xxxx
Stenzel, George O., xxx-xx-xxxx
Stephens, Donald L., xxx-xx-xxxx
Stevens, Darryl M., xxx-xx-xxxx
Stevens, Nicholas B., xxx-xx-xxxx
Stiles, Howard J., xxx-xx-xxxx
Stivison, James R., xxx-xx-xxxx
Stone, Frank R., Jr., xxx-xx-xxxx
Stone, Thomas R., xxx-xx-xxxx
Stone, Wayne F., xxx-xx-xxxx
Storey, Thomas P., xxx-xx-xxxx
Straeb, Robert G., xxx-xx-xxxx
Stroh, George C., xxx-xx-xxxx
Stroud, Carl M., Jr., xxx-xx-xxxx
Stubbs, Frederic H., xxx-xx-xxxx
Stults, Claude L., Jr., xxx-xx-xxxx
Subrown, James C., xxx-xx-xxxx
Sullenberger, Louis, xxx-xx-xxxx
Sullenger, Lawrence, xxx-xx-xxxx
Sundt, Richard S., xxx-xx-xxxx
Sutherland, John H., xxx-xx-xxxx
Sutton, James C., xxx-xx-xxxx
Sutton, William F., xxx-xx-xxxx
Sutton, William M., xxx-xx-xxxx
Svelan, Stephen J., xxx-xx-xxxx
Svendsen, Don F., xxx-xx-xxxx
Sweeney, Robert F., xxx-xx-xxxx
Swindells, John E., xxx-xx-xxxx
Sylvan, Lawrence D., xxx-xx-xxxx
Szustak, Frank G., xxx-xx-xxxx
Tam, Roger H., xxx-xx-xxxx
Tanner, Linden O., xxx-xx-xxxx
Tate, Jack R., xxx-xx-xxxx
Taylor, David L., xxx-xx-xxxx
Taylor, Horace G., xxx-xx-xxxx
Taylor, John E., xxx-xx-xxxx
Taylor, Ralph W., xxx-xx-xxxx
Taylor, Theodore H., xxx-xx-xxxx
Taylor, William D., xxx-xx-xxxx
Teller, Albert A., xxx-xx-xxxx
Temple, William E., xxx-xx-x... x..
Tennant, Charles E., xxx-xx-xxxx
Terseck, Richard J., xxx-xx-xxxx
Thibodeau, Charles, xxx-xx-xxxx
Thomas, Billie N., xxx-xx-xxxx
Thomas, Marvin L., xxx-xx-xxxx
Thomas, Phillip J., xxx-xx-xxxx
Thomassy, Fernand A., xxx-xx-xxxx
Thompson, James P. J., xxx-xx-xxxx
Thompson, John C., xxx-xx-xxxx
Thompson, Paul F., xxx-xx-xxxx
Thompson, Thomas M., xxx-xx-xxxx
Thompson, Vernon D., xxx-xx-xxxx
Thorn, Harold A., xxx-xx-xxxx
Thudium, Christian, xxx-xx-xxxx
Thurston, Joe B., xxx-xx-xxxx
Tichenor, Carroll J., xxx-xx-xxxx
Tichenor, James R., xxx-xx-xxxx
Tobin, Joseph A., xxx-xx-xxxx
Todaro, Joseph E., xxx-xx-xxxx
Tompkins, Daniel M., xxx-xx-xxxx
Toskey, William M., xxx-xx-xxxx
Tozier, Robert E., xxx-xx-xxxx
Traas, Adrian G., xxx-xx-xxxx
Traver, Donald J., xxx-xx-xxxx
Treager, Jeri C., xxx-xx-xxxx
Trinkle, Patrick M., xxx-xx-xxxx
Tritz, James W., xxx-xx-xxxx
Trone, Frederick W., xxx-xx-xxxx
Trueheart, William, xxx-xx-xxxx
Trunkes, William J., xxx-xx-xxxx
Tucker, John D., xxx-xx-xxxx
Turgeon, Gareth M., xxx-xx-xxxx
Turley, Jesse D. III, xxx-xx-xxxx
Turner, Julian H., xxx-xx-xxxx
Tyler, Erven S., xxx-xx-xxxx
Uhlrich, Theodore W., xxx-xx-xxxx
Urciuoli, George R., xxx-xx-xxxx
Vaglia, James E., xxx-xx-xxxx
Valen, William B., xxx-xx-xxxx
Valieant, John H., xxx-xx-xxxx
Valimont, Benjamin, xxx-xx-xxxx
Vanzandt, Homer R., xxx-xx-xxxx
Vanzee, James L., xxx-xx-xxxx
Vargosko, Michael A., xxx-xx-xxxx
Vay, Nicolas R., xxx-xx-xxxx
Venden, Roger D., xxx-xx-xxxx
Vercellone, Joseph, xxx-xx-xxxx
Vick, Gerald A., xxx-xx-xxxx
Vinett, Peter A., xxx-xx-xxxx
Vinson, Paul H., xxx-xx-xxxx
Vogl, Raymond E., xxx-xx-xxxx
Voke, Edward N., xxx-xx-xxxx
Volkmann, Henry F., xxx-xx-xxxx
Waddell, Robert R., xxx-xx-xxxx
Wainwright, Oliver, xxx-xx-xxxx
Wait, William M., xxx-xx-xxxx
Waite, Darrell M., xxx-xx-xxxx
Waite, Grimble, J., xxx-xx-xxxx
Walker, Clifford M., xxx-xx-xxxx
Walker, Jack E., xxx-xx-xxxx
Walker, Philip A., xxx-xx-xxxx
Walker, Robert T., xxx-xx-xxxx
Wall, Kenneth L., xxx-xx-xxxx
Wallace, Bobby S., xxx-xx-xxxx
Wallace, John M., III, xxx-xx-xxxx
Wallace, Malcolm K., xxx-xx-xxxx
Waller, Calvin A., xxx-xx-xxxx
Walsh, James E., Jr., xxx-xx-xxxx
Walters, Charles C., xxx-xx-xxxx
Walters, James P., xxx-xx-xxxx
Walton, Thomas E., xxx-xx-xxxx
Ward, Peter H., xxx-xx-xxxx
Ward, William F., xxx-xx-xxxx
Warnock, William H., xxx-xx-xxxx
Warren, Warren J., xxx-xx-xxxx
Wartick, Dean P., xxx-xx-xxxx
Warvi, Martin M., xxx-xx-xxxx
Wassom, Herbert M., xxx-xx-xxxx
Watson, Charles W., xxx-xx-xxxx
Watts, Thurman, xxx-xx-xxxx
Weaver, Carl A., xxx-xx-xxxx
Webb, Earl E., xxx-xx-xxxx
Webb, Waldo R., xxx-xx-xxxx
Weber, Ralph P., xxx-xx-xxxx
Weber, Thomas E., xxx-xx-xxxx
Webster, Robert L., xxx-xx-xxxx
Weeks, Joseph P., xxx-xx-xxxx

Weeks, William J., Jr., [redacted]
Wehrle, Alfred L., [redacted]
Weinfurter, Robert, [redacted]
Welch, Richard D., [redacted]
Welker, John J., [redacted]
Wenzel, Paul J., [redacted]
Westgard, William C., [redacted]
Westmoreland, Frank, [redacted]
Westrick, Alton R., [redacted]
Wheeler, Joseph W., [redacted]
Wheeler, Robert A., [redacted]
White, Charles A., Jr., [redacted]
White, Lyman G., [redacted]
White, Stanley Z., [redacted]
Whitehead, Dorsey M., [redacted]
Whiteside, Jerry E., [redacted]
Whorton, Billy L., [redacted]
Wichert, Gilbert H., [redacted]
Wicker, Raymond K., [redacted]
Widick, James L., [redacted]
Wigner, Larry R., [redacted]
Wiley, Larry N., [redacted]
Wilkerson, Edwin A., [redacted]
Willey, Frank G., [redacted]
William, Arthur E., [redacted]
Williams, Alex E., [redacted]
Williams, Cary E., [redacted]
Williams, Donald B., [redacted]
Williams, Joe E., [redacted]
Williams, Stuart H., [redacted]
Williamson, Alan R., [redacted]
Williamson, Donald, [redacted]
Williamson, Jack, [redacted]
Williamson, William, [redacted]
Williford, Charles, [redacted]
Willis, Jerry T., [redacted]
Wilmoth, Frederick, [redacted]
Wilson, Charles C., [redacted]
Wilson, Martin L., [redacted]
Wilson, William R., [redacted]
Windham, William F., [redacted]
Wineberger, Marion, [redacted]
Winter, Maurice G., [redacted]
Wolfe, June E., [redacted]
Wollard, Clifford L., [redacted]
Wolters, Robert A., [redacted]
Wood, John L., [redacted]
Woodhouse, Donald L., [redacted]
Woodle, Kenneth J., [redacted]
Woods, Roy S., Jr., [redacted]
Worthington, Wayne, [redacted]
Wosicki, Walter, J., [redacted]
Wuerpel, Charles L., [redacted]
Wurschmidt, George, [redacted]
Wyatt, Henry W., [redacted]
Yarborough, William, [redacted]
Yateman, Sidney H., [redacted]
Yates, Richard P., [redacted]
Yeats, Christopher, [redacted]
Yeats, Philip L., [redacted]
Yelton, James M., Jr., [redacted]
Yelverton, Rush S., [redacted]
Yon, Frank E., [redacted]
Young, Albert B., [redacted]
Young, Troy R., [redacted]
Yurchak, Paul N., [redacted]
Zagalak, Stanley J., [redacted]
Zahn, Kenneth C., [redacted]
Zajac, Stephen G., [redacted]
Zaldo, William T., II, [redacted]
Zierak, Robert A., [redacted]
Zoller, Harvey F., [redacted]
Zukowski, Albin T., [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

Alexander, Harold L., [redacted]
Baasen, Wesley A., [redacted]
Bliss, Philip B., [redacted]
Brown, Allen W., Jr., [redacted]
Brown, Jack E., [redacted]
Deschamps, Thomas F., [redacted]
Duval, John H., [redacted]
Flippen, Edward A., [redacted]
Griffis, James W., Jr., [redacted]
Hilliard, Henry C., [redacted]

Hopkins, Paul D., [redacted]
Ives, Ivan G., [redacted]
Jalbert, Armand N., [redacted]
Johnson, James L., [redacted]
Kalliomaa, Mauno M., [redacted]
Kays, John W., Jr., [redacted]
Keefe, Francis L., [redacted]
Kleinworth, Robert, [redacted]
Knott, Geoffrey D., [redacted]
Lord, Billy R., [redacted]
Love, Charles R., [redacted]
McGuire, Leonard C., [redacted]
Moore, Bobby D., [redacted]
Ness, Leroy T., [redacted]
Pember, Marion D., [redacted]
Shannon, Sylvester, [redacted]
Standley, Mederith, [redacted]
Strawser, Ray A., [redacted]
Swim, Vernon G., [redacted]
Thompson, Roland D., [redacted]
Vetter, Joseph W., [redacted]
Widdel, Thomas H., [redacted]
York, Edwin R., [redacted]

WOMEN'S ARMY CORPS

To be lieutenant colonel

Scribner, Elizabeth, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

Alex, Allen M., [redacted]
Bambery, Thomas W., [redacted]
Beck, Wilbur L., Jr., [redacted]
Benson, Warren D., [redacted]
Borth, Alfred G., [redacted]
Boyd, William M., [redacted]
Braddock, Thomas E., [redacted]
Brady, Patrick H., [redacted]
Cohen, Meyer W., [redacted]
Collman, Richard H., [redacted]
Crosley, John K., [redacted]
Crow, Kenneth E., Sr., [redacted]
Cygan, Herbert E., [redacted]
Dillavou, Clayton L., [redacted]
Drake, Charles E., [redacted]
Dupuy, Lloyd C., [redacted]
Elsarelli, Leon E., [redacted]
Field, Richard W., [redacted]
Fountain, Donald B., [redacted]
French, George R., [redacted]
Gensler, Jay D., [redacted]
Gilchrist, Alexander, [redacted]
Good, Roger S., [redacted]
Grider, Donald A., [redacted]
Grodt, Robert G., [redacted]
Hansen, Louis J., [redacted]
Heitzman, Lawrence, [redacted]
Helgeson, James G., [redacted]
Heller, Kyle M., [redacted]
Higgs, Richard H., [redacted]
Hill, William R., [redacted]
Howell, Lawrence C., [redacted]
Jacobs, Claude G., Jr., [redacted]
Jessen, Gary C., [redacted]
Johnson, Harry D., [redacted]
Jones, Donn C., [redacted]
Karrenbauer, Thomas, [redacted]
Kays, John M., [redacted]
Kearns, William J., [redacted]
Kelley, Hubert A., [redacted]
Kerr, William B., [redacted]
Kielman, Roger W., [redacted]
Kistler, Thomas E., [redacted]
Labat, Roger J., [redacted]
Leahey, Raymond, [redacted]
Lodde, Gordon M., [redacted]
Loryea, Robert S., [redacted]
MacIntyre, John A., [redacted]
Milne, Richard B., [redacted]
Paul, C. Peter, [redacted]
Payne, John C., [redacted]
Peacock, James L., [redacted]
Pittman, Thurman M., [redacted]
Plaatsman, James P., [redacted]
Quillin, Robert M., [redacted]
Rasmusson, James A., [redacted]
Rehusch, Kenneth S., [redacted]
Roby, Roger R., [redacted]
Sandleback, Eugene, [redacted]
Schlaak, James R., [redacted]
Shurtleff, Thurman, [redacted]
Turlington, Philip, [redacted]
Vermillion, James G., [redacted]
Vick, James A., [redacted]
Worrell, Robert, Jr., [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Brewer, Jessie S., [redacted]
Connelly, Vivian S., [redacted]
Hummel, Robert A., [redacted]
Santosespada, Carmen, [redacted]
Sargent, Florence B., [redacted]
Vonprince, Kilulu M., [redacted]

VETERINARY CORPS

To be lieutenant colonel

Barck, John C., [redacted]
Cooper, James C., [redacted]
Godzik, Joseph R., [redacted]
Gustin, Philip N., [redacted]
Hilmas Duane E., [redacted]
Lindquist, Edwin W., [redacted]
Riddell, John R., [redacted]
Robinson, David M., [redacted]
Rozmiarek, Harry, [redacted]
Stephenson, Edward, [redacted]
Via, Robert E., [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

Adams, Clara L., [redacted]
Baker, Gertrude E., [redacted]
Barrington, Tillman, [redacted]
Benedict, Jerry M., [redacted]
Blanchard, James A., [redacted]
Brown, John E., [redacted]
Condon, Kathleen T., [redacted]
Courson, Walter E., [redacted]
Downey, James S., [redacted]
Dutton, Morris E., [redacted]
Fess, Dorothy E., [redacted]
Fore, Curtis W., [redacted]
Fugowski, Helen T., [redacted]
Griep, Edward L., [redacted]
Halliburton, Sarah, [redacted]
Hauck, Leonard N., [redacted]
Hines, Eugene D., [redacted]
Hoerter, Charles O., [redacted]
Hunn, James M., [redacted]
Jims, Madeline P., [redacted]
Kennedy, Eunice J., [redacted]
Kingsbury, Betty J., [redacted]
Koch, Dorothy J., [redacted]
Lassiter, Marion E., [redacted]
Lewandowski, Edward, [redacted]
Martin, Melvin M., [redacted]
Mason, Julia E., [redacted]
Miller, Arlean V., [redacted]
Pavlakovic, Dorothy, [redacted]
Petro, Andrew P., Jr., [redacted]
Rasmussen, Doris S., [redacted]
Vuyk, June J., [redacted]
Ward, David A., [redacted]
Whitmire, Betty A., [redacted]
Wilson, William J., [redacted]

The following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be lieutenant colonel

Corbett, William T., [redacted]

ARMY PROMOTION LIST

To be major

Debiasio, Robert L., [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be major

Vickery, Jane C., [redacted]