SENATE—*Friday, August 2, 1974*

The Senate met at 9 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

PRAYER

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

Almighty God, in whose loving care we come and go about our daily duties, keep us as conscious of Thy nearness while we work as when we pray. When times are tense and spirits taut, when the workload is heavy and the time of rest too brief, help us "to lean upon the everlasting arms" which reach out to support, strengthen, and lift us up. Show us the way to a life of poise, peace, and power greater than we now possess. Make this a day of faith and adventure, of vision and victory, of friendship and fraternity, of hope and helpfulness. Keep us faithful to our high trust as servants of the Republic. When the day is done, send us to our rest with joy and peace in our hearts.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 2, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order entered on August 1, 1974, Mr. MONTOYA, from the Committee on Public Works, on August 1, 1974, submitted a report on the bill (S. 3641) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 3-year period, and for other purposes, with amendments, which was ordered to be printed (Rept. No. 93–1055).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 1, 1974, be dispensed with.

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

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2665. An act to provide for increased participation by the United States in the International Development Association and to permit U.S. citizens to purchase, hold, sell, or otherwise deal with gold in the United States or abroad;

S. 3477. An act to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia;

H.R. 8217. An act to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971, and for other purposes;

H.R. 10309. An act to amend the act of June 13, 1933 (Public Law 73–40), concerning safety standards for boilers and pressure vessels, and for other purposes; and

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.

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

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.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1002, 1004, and 1005.

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

MODIFICATION OF THE FLOOD CONTROL ACT OF 1965

The bill (S. 3537) to modify section 204 of the Flood Control Act of 1965 (79 Stat. 1085) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for flood protection and other purposes on Willow Creek, Oregon, as authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1085) is hereby modified to provide for reformulation and construction of the project for purposes of flood control, recreation, fish and wildlife, and future irrigation use in accordance with reclamation law of costs allocated to irrigation, and to authorize advance participation with the city of Heppner, Oregon, in the design and construction of those elements of the city's water supply system which must be relocated as a result of project construction. The discount rate applicable to the project prior to enactment of this Act shall remain in effect for purposes of cost-benefit analyses.

AMENDMENT OF THE AGRICULTURAL ACT OF 1954

The bill (S. 2189) to amend section 602 of the Agricultural Act of 1954, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 602 of the Agricultural Act of 1954, as amended, is amended by adding at the end thereof a new subsection as follows:

"(f) Appropriations available to the Secretary of Agriculture may be used to provide appropriate orientation and language training to families of officers and employees of the Department of Agriculture in anticipation of an assignment abroad of such officers and employees or while abroad pursuant to this Act or other authority: *Provided,* That the facilities of the Foreign Service Institute or other Government facilities shall be used wherever practicable.".

INVESTIGATION OF PRICE SPREADS IN DAIRY PRODUCTS INDUSTRY

The resolution (S. Res. 351) authorizing an investigation of price spreads and margins for livestock, dairy products, poultry, and eggs, was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas a strong viable farm livestock industry is essential to the very well-being of this Nation's economy; and

Whereas costs of production in the livestock, dairy, poultry, and egg industry have skyrocketed and show no signs of abatement; and

Whereas the ability to provide the consumers of this Nation with an abundance of quality food now, and in the future, is thus being jeopardized; and

Whereas farm prices of livestock, dairy products, poultry, and eggs have declined materially; and

Whereas these reduced prices to farmers do not appear to have been fully reflected in reductions of prices at retail to consumers: Now, therefore, be it

Resolved, That it is hereby declared to be the sense of the Senate, that the Federal Trade Commission undertake immediately an investigation of margins that exist between farm prices of the specified commodities and prices at retail, to determine—

(a) the margins that exist now and have existed in the past, for the specified commodities;

(b) the changes in the relative values of the items that comprise the margin;

(c) whether these margins fully reflect appropriate farm price changes;

(d) whether any important level in the food marketing chain experienced any losses since August 1973;

(e) profits of each important level in the food marketing chain;

(f) on a preliminary basis whether market power concentration exists to the extent that such concentration impedes competitive forces.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The second assistant legislative clerk read the nomination of Maj. Gen. Winton W. Marshall to be a lieutenant general.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

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

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

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

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

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

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

LEGISLATIVE SESSION

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

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

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

DISTRICT OF COLUMBIA APPROPRIATIONS FOR 1975—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the D.C. appropriations bill is called up and made the pending business before the Senate, there be a time limitation thereon of 1 hour, with the time to be divided between Mr. BAYH and Mr. MATHIAS; that there be a time limitation on any amendment, debatable motion, or appeal of 30 minutes, with the division and control of time in the usual form.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that next Thursday, at the conclusion of morning business, the Senate take up the D.C. appropriations bill.

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

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to consideration of Calendar No. 1014 (S. 3641).

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3641) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 3-year period, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with an amendment to strike out all after the enacting clause and insert the following:

That the first sentence of section 105 of the Public Works and Economic Development Act of 1965, as amended, is amended by striking the period at the end thereof and inserting a comma and the following: "and not to exceed $300,000,000 for each of the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977.". The final sentence of section 105 of such Act, as amended, is amended by striking "and" after the words "June 30, 1973" and inserting ", June 30, 1975, June 30, 1976, and June 30, 1977".

SEC. 2. Section 102 of the Public Works and Economic Development Act of 1965, as amended, is amended to read as follows:

"SEC. 102. For each of the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977, not to exceed $30,000,000 of the funds authorized to be appropriated under section 105 of this Act for each such fiscal year shall be available for grants for operation of any health project funded under this title after the date of enactment of this section. Such grants may be made up to 100 per centum of the estimated cost of the first fiscal year of operation and up to 100 per centum of the deficit in funds available for operation of the facility during the second fiscal year of operation. No grant shall be made for the second fiscal year of operation of any facility unless the agency operating such facility has adopted a plan satisfactory to the Secretary of Health, Education, and Welfare providing for the funding of operations on a permanent basis. Any grant under this section shall be made upon the condition that the operation of the facility will be conducted under efficient management practices designed to obviate operating deficits, as determined by the Secretary of Health, Education, and Welfare."

SEC. 3. (a) Section 201(c) of such Act, as amended, is amended by striking out the period at the end and inserting in lieu thereof ", and shall not exceed $100,000,000 per fiscal year for the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977.".

(b) Section 202 of such Act, as amended, is amended—

(1) by striking all of subsection (a) and inserting in lieu thereof the following new subsection:

"SEC. 202. (a)(1) The Secretary is authorized to aid in financing, within a redevelopment area, the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage, including the construction of new buildings, the rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion, or enlargement of existing buildings by (A) purchasing evidences of indebtedness, (B) making loans (which for purposes of this section shall include participation in loans), (C) guaranteeing loans made to private borrowers by private lending institutions, for any of the purposes referred to in this paragraph upon application of such institution and upon such terms and conditions as the Secretary may prescribe, except that no such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan.

"(2) The Secretary is authorized to aid in financing any industrial or commercial actively within a redevelopment area by (A) making working capital loans, (B) guaranteeing working capital loans made to private borrowers by private lending institutions upon application of such institution and upon such terms and conditions as the Secretary may prescribe, except that no such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan, (C) guaranteeing rental payments of leases for buildings and equipment, except that no such guarantee shall exceed 90 per centum of the remaining rental payments required by the lease,"

(2) by striking in subsection (b)(7) the comma after the words "no loan" and inserting immediately thereafter the words "or guarantee,".

(3) by striking out in subsection (b)(9) "Loan assistance" and inserting in lieu thereof "Loan assistance (other than for a working capital loan)".

SEC. 4. (a) Section 302 of such Act, as amended, is amended by redesignating such section as section 303.

(b) Such Act, as amended, is amended by inserting immediately after section 301 the following new section 302:

"SEC. 302. (a)(1) The Secretary is authorized, upon application of any city or other political subdivision of a State, or sub-State planning and development organization (including an economic development district), to make direct grants to such city, other po-

litical subdivision, or organization to pay up to 80 per centum of the cost for economic development planning. Such assistance shall also be provided to assist economic development districts in carrying out any review procedure required pursuant to title IV of the Intergovernmental Cooperation Act of 1968, if such district has been designated as the agency to conduct such review. Assistance under this subsection may be provided in addition to assistance available to organizations under section 301(b) of this Act, but shall not supplant such assistance.

"(2) The economic development planning assisted under this subsection shall include systematic efforts to reduce unemployment and increase incomes. Such planning shall be a continuous process involving public officials and private citizens in analyzing local economies, defining development goals, determining project opportunities and formulating and implementing a development program.

"(b)(1) The Secretary is authorized upon application of any State to make direct grants to such State to pay up to 80 per centum of the cost for economic development planning. Each State receiving assistance under this title shall establish a continuing comprehensive planning process for economic development carried on cooperatively by the State and its political subdivisions and sub-State planning and development organizations (including development districts). Such planning process shall be part of an overall State planning process which shall establish overall State goals, objectives and priorities for the guidance of economic development planning within the State and for the provision of assistance under section 304 of this Act. The planning process assisted under this subsection shall consider the provision of public works to stimulate and channel development, economic opportunities and choices for individuals, to support sound land use, and to enhance and protect the environment, including the conservation and preservation of open spaces and environmental quality, the provision of public services, and the balance of physical and human resources through the management and control of physical development. The assistance available under this subsection shall be available to develop an annual inventory of specific recommendations for assistance under section 304 of this Act. Each State receiving assistance under this subsection shall submit to the Secretary an annual report on the planning process assisted under this subsection.

"(2) Any State planning process assisted under this subsection shall be conducted cooperatively by the State, its political subdivisions, economic development districts, and development organizations located in whole or in part within such State. In order to facilitate cooperative planning required under this subsection, plans or programs prepared with assistance under subsection (a) of this section shall be made available to such State.

"(c) The planning assistance authorized under this title shall be used in accordance with the review procedure required pursuant to title IV of the Intergovernmental Cooperation Act of 1968 and shall be used in conjunction with any other available Federal planning assistance to assure adequate and effective planning and economical use of funds."

(c) Section 303 of such Act, as redesignated by this Act, is amended by inserting "(a)" immediately after "SEC. 303.", by striking "this title" and inserting in lieu thereof "sections 301 and 302 of this Act", by striking out the period at the end of such subsection and inserting in lieu thereof the following: "and $75,000,000 per fiscal year for the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977,", and by adding at the end of such section the following new subsection:

"(b) Not to exceed $15,000,000 in each of the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977, of the sums authorized to be appropriated under subsection (a) of this section, shall be available to make grants under subsection (b) of section 302.".

(d) Such Act, as amended, is amended by adding after section 303 of the following new section:

"SUPPLEMENTAL AND BASIC GRANTS

"SEC. 304. (a) There are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for each of the fiscal years ending June 30, 1976, and June 30, 1977, for apportionment by the Secretary among the States for the purpose of supplementing or making grants and loans authorized under titles I, II, and IV of this Act. Such funds shall be apportioned among the States in the ratio which all grants made under title I of this Act since August 26, 1965, in each State bear to the total of all such grants made in all the States since August 26, 1965.

"(b) Funds apportioned to a State pursuant to subsection (a) shall be available for supplementing or making such grants or loans if the State makes a contribution of at least 25 per centum of the amount of such grant or loan in each case. Funds apportioned to a State under subsection (a) shall remain available to such State until obligated or expended by it.

"(c) Funds apportioned to a State pursuant to this section may be used by the Governor in supplementing grants or loans with respect to any project or assistance authorized under title I, II, or IV of this Act, and approved by the Secretary after July 1, 1974. Such grants may be used to reduce or waive the non-Federal share otherwise required by this Act, subject to the requirements of subsection (b) of this section.

"(d) In the case of any grant or loan for which all or any portion of the basic Federal contribution to the project under this Act is proposed to be made with funds available under this section, no such Federal contribution shall be made until the Secretary of Commerce certifies that such project meets all of the requirements of this Act and could be approved for Federal contribution under this Act if funds were available under this Act (other than section 509) for such project. Funds may be provided for projects in a State under this section only if the Secretary determines that the level of Federal and State financial assistance under this Act (other than section 509) and under Acts other than this Act, for the same type of projects in the State, will not be diminished in order to substitute funds authorized by this section.

"(e) After June 30, 1975, funds apportioned to a State pursuant to this section shall be used by the Governor in a manner which is consistent with the State planning process assisted under section 302 of this Act, if such planning process has been established in such State."

SEC. 5. (a) Title IV of such Act is amended—

(1) by adding the following new paragraph at the end of section 401(a):

"(8) those areas which the Secretary of Labor determines, on the basis of average annual available unemployment statistics, were areas of substantial unemployment during the preceding calendar year."; and

(2) by striking out the period at the end of section 401(a)(7) and inserting in lieu thereof a semicolon.

(b) Any area of substantial unemployment so designated under authority of section 102 of title I of the Public Works and Economic Development Act of 1965 which has not had such designation terminated before the date of enactment of this section shall be deemed for the purposes of such Act to be such an area designated under section 401(a)(8) of such Act.

SEC. 6. Section 401(a)(3) of such Act, as amended, is amended by adding at the end thereof the following: *"Provided, however,* That uninhabited Federal or State Indian reservations or trust or restricted Indian-owned land areas may be designated where such designation would permit assistance to Indian tribes, with a direct beneficial effect on the economic well-being of Indians;".

SEC. 7. (a) Section 403(a)(1)(B) of such Act, as amended, is amended by striking out the words "two or more redevelopment areas" and inserting in lieu thereof "at least one redevelopment area".

(b) Section 403 of such Act, as amended, is amended by inserting at the end of such section the following two new subsections:

"(i) Each economic development district designated by the Secretary under this section shall as soon as practicable after the date of enactment of this section or after its desgination provide that a copy of the district overall economic development program be furnished to the appropriate regional commission established under title V of this Act, if any part of such proposed district is within such a region, or to the Appalachian Regional Commission established under the Appalachian Regional Development Act of 1965, if any part of such proposed district is within the Appalachian region.

"(j) The Secretary is authorized to provide the financial assistance which is available to a redevelopment area under this Act to those parts of an economic development district which are not within a redevelopment area, when such assistance will be of substantial direct benefit to a redevelopment area within such district. Such financial assistance shall be provided in the same manner and to the same extent as is provided in this Act for a redevelopment area, except that nothing in this subsection shall be construed to permit such parts to receive the increase in the amount of grant assistance authorized in paragraph (4) of subsection (a) of this section.".

(c) Section 403(g) of such Act, as amended, is amended by striking out "for the fiscal year ending June 30, 1974," and inserting in lieu thereof "per fiscal year for the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, and June 30, 1977,".

SEC. 8. Title IV of the Public Works and Economic Development Act of 1965, as amended, is amended by adding at the end thereof the following new part:

"PART C—INDIAN ECONOMIC DEVELOPMENT

"SEC. 404. In order to assure a minimum Federal commitment to alleviate economic distress of Indians, in addition to their eligibility for assistance with funds authorized under other parts of this Act, there are authorized to be appropriated not to exceed $25,000,000 per fiscal year for the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977, for the purpose of providing assistance under this Act to Indian tribes. Such sums shall be in addition to all other funds made available to Indian tribes under this Act."

SEC. 9. (a) Section 503 of such Act, as amended, is amended by inserting "district," in paragraph (7) of subsection (a), immediately after "other Federal, State,".

(b) The first sentence of section 505(a)(2) of such Act, as amended, is amended by striking out "and training programs" and inserting "training programs, and the payment of administrative expenses to sub-State planning and development organizations (including economic development districts)," in lieu thereof.

(c) Section 509(d) of such Act, as amended, is amended by striking out "and for the fiscal year ending June 30, 1974, to be available until expended, $95,000,000." and inserting in lieu thereof "for the fiscal

year ending June 30, 1974, to be available until expended, $95,000,000, and for each of the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977, to be available until expended, $200,000,000.".

(d) Section 511 of such Act, as amended, is amended to read as follows:

"COORDINATION

"SEC. 511. (a) The Secretary shall coordinate his activities in making grants and loans and providing technical assistance under this Act with those of each of the regional commissions (acting through the Federal and State cochairmen) established under this Act in making grants and providing technical assistance under this title, and each of such regional commissions shall coordinate its activities in making grants and providing technical assistance under this title with those activities of the Secretary under this Act.

"(b) Each regional commission established under this Act shall give due consideration in carrying out its activities under paragraphs (2) and (7) of section 503(a) of this Act to the activities of other Federal, State, local, and sub-State (including economic development districts) planning agencies in the region."

SEC. 10. Title V of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3181 et seq.) is amended by adding at the end thereof the following new section:

"REGIONAL EXCESS PROPERTY PROGRAM

"SEC. 514. (a) Notwithstanding any other provision of law, and subject to subsection (b), the Federal cochairman of each regional commission established under section 502 of this Act may acquire excess property, without reimbursement, through the Administrator of General Services and shall dispose of such property, without reimbursement and for the purpose of economic development, by loaning to, or by vesting title in, any of the following recipients located wholly or partially within the economic development region of such Federal cochairman:

"(1) any State or political subdivision thereof;

"(2) any tax-supported organization;

"(3) any Indian tribe, band, group, pueblo, or Alaskan village or Regional Corporation (as defined by the Alaska Native Land Claims Settlement Act of 1971) recognized by the Federal Government or any State, and any business owned by any tribe, band, group, pueblo, village, or Regional Corporation;

"(4) any tax-supported or nonprofit private hospital; and

"(5) any tax-supported or nonprofit private institution of higher education requiring a high school diploma, or equivalent, as a basis for admission.

Such recipient may have, but need not have, received any other aid under this Act. For the purposes of this section, until a regional commission is established for the State of Alaska under section 502 of this Act, in the case of the State of Alaska the Secretary of Commerce shall exercise the authority granted to a Federal cochairman under this section.

"(b) For purposes of subsection (a)—

"(1) each Federal cochairman, in the acquiring of excess property, shall have the same priority as other Federal agencies; and

"(2) the Secretary shall prescribe rules, regulations, and procedures for administering subsection (a) which may be different for each economic development region, except that the Secretary shall consult with the Federal cochairman of a region before prescribing such rules, regulations, and procedures for such region.

"(c)(1) The recipient of any property disposed of by any Federal cochairman under subsection (a) shall pay, to the Federal agency having custody of the property, all costs of care and handling incurred in the acquiring and disposing of such property; and such recipient shall pay all costs which may be incurred regarding such property after such Federal cochairman disposes of it, except that such recipient shall not pay any costs incurred after such property is returned under subsection (e).

"(2) No Federal cochairman may be involved at any time in the receiving or processing of any costs paid by the recipient under paragraph (1).

"(d) Each Federal cochairman, not later than six calendar months after the close of each fiscal year, shall account to the Secretary, as the Secretary shall prescribe, for all property acquired and disposed of, including any property acquired but not disposed of under subsection (a) during such fiscal year. The Secretary shall have access to all information and related material in the possession of such Federal cochairman regarding such property.

"(e) Any property determined by the Federal cochairman to be no longer needed for the purpose of economic development shall be reported by the recipient to the Administrator of General Services for disposition under the Federal Property and Administrative Services Act of 1949.

"(f) The value of any property acquired and disposed of, including any property acquired but not disposed of, under subsection (a) shall not be taken into account in the computation of any appropriation, or any authorization for appropriation, regarding any regional commission established under section 502 or any office of the Federal cochairman of such commission.

"(g) For purposes of this section—

"(1) the term 'care and handling' has the meaning given it by section 3(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(h)); and

"(2) the term 'excess property' has the meaning given it by section 3(e) of such Act (40 U.S.C. 472(e)), except that such term does not include real property.".

SEC. 11. Section 2 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971", approved July 6, 1970 (Public Law 91-304), is amended by striking out "1974" and inserting in lieu thereof "1977".

SEC. 12. The Public Works and Economic Development Act of 1965, as amended, is amended by adding the following new title at the end of the Act:

"TITLE IX—SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE

"PURPOSE

"SEC. 901. It is the purpose of this title to provide special economic development and adjustment assistance programs to help State and local areas meet special needs arising from actual or threatened severe unemployment arising from economic dislocation, including unemployment arising from actions of the Federal Government and from compliance with environmental requirements which remove economic activities from a locality, and economic adjustment problems resulting from severe changes in economic conditions, and to encourage cooperative intergovernmental action to prevent or solve economic adjustment problems.

"DEFINITION

"SEC. 902. As used in this title, the term 'eligible recipient' means a redevelopment area or economic development district established under title IV of this Act, an Indian tribe, a State, a city or other political subdivision of a State, or a consortium of such political subdivisions.

"GRANTS BY SECRETARY

"SEC. 903. (a)(1) The Secretary is authorized to make grants directly to any eligible recipient in an area which the Secretary has determined has experienced, or may reasonably be foreseen to be about to experience, a special need to meet an expected rise in unemployment, or other economic adjustment problems (including those caused by any action or decision of the Federal Government) to carry out or develop a plan which meets the requirements of subsection (b) of this section and which is approved by the Secretary, to use such grants for any of the following: public facilities, public services, business development, planning, unemployment compensation (in accordance with subsection (d) of this section), rent supplements, mortgage payment assistance, research, technical assistance, training, relocation of individuals, and other appropriate assistance.

"(2)(A) Such grants may be used in direct expenditures by the eligible recipient or through redistribution by it to public and private entities in grants, loans, loan guarantees, or other appropriate assistance, but no grant shall be made by an eligible recipient to a private profitmaking entity.

"(B) Grants for unemployment compensation shall be made to the State. Grants for any other purpose shall be made to any appropriate eligible recipient capable of carrying out such purpose.

"(b) No plan shall be approved by the Secretary under this section unless such plan shall—

"(1) identify each economic development and adjustment need of the area of which assistance is sought under this title;

"(2) describe each activity planned to meet each such need;

"(3) explain the details of the method of carrying out each such planned activity;

"(4) contain assurances satisfactory to the Secretary that the proceeds from the repayment of loans made by the eligible recipient with funds granted under this title will be used for economic adjustment; and

"(5) be in such form and contain such additional information as the Secretary shall prescribe.

"(c) The Secretary to the extent practicable shall coordinate his activities in requiring plans and making grants and loans under this title with regional commissions, States, economic development districts and other appropriate planning and development organizations.

"(d) In each case in which the Secretary determines a need for assistance under subsection (a) of this section due to an increase in unemployment and makes a grant under this section, the Secretary shall transfer funds available under this title to the Secretary of Labor and the Secretary of Labor shall provide to any individual unemployed as a result of the dislocation for which such grant is made, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the Secretary of Labor shall provide shall be available to an individual not otherwise disqualified under State law for unemployment compensation benefits, as long as the individual's unemployment caused by the dislocation continues or until the individual is reemployed in a suitable position, but no longer than one year after the unemployment commences. Such assistance for a week of unemployment shall not exceed the maximum weekly amount authorized under the unemployment compensation law of the State in which the dislocation occurred, and the amount of assistance under this subsection shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such week of unemployment.

The Secretary of Labor is directed to provide such assistance through agreements with States which, in his judgment, have an adequate system for administering such assistance through existing State agencies.

"REPORTS AND EVALUATION

"SEC. 904. (a) Each eligible recipient which receives assistance under this title shall annually during the period such assistance continues make a full and complete report to the Secretary, in such manner as the Secretary shall prescribe, and such report shall contain an evaluation of the effectiveness of the economic assistance provided under this title in meeting the need it was designed to alleviate and the purposes of this title.

"(b) The Secretary shall provide an annual consolidated report to the Congress, with his recommendations, if any, on the assistance authorized under this title, in a form which he deems appropriate. The first such report to Congress under this subsection shall be made not later than January 30, 1976.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 905. There is authorized to be appropriated to carry out this title not to exceed $100,000,000 per fiscal year for the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 5 minutes, to be divided between the manager of the bill and the sponsors of the amendments, which I understand will be offered en bloc.

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

Mr. MONTOYA. Mr. President, I am pleased to bring to the Senate for its consideration today S. 3641, a bill reported from the Committee on Public Works to extend the Public Works and Economic Development Act of 1965, as amended, for a period of 3 years.

I introduced this bill with Chairman RANDOLPH cosponsoring on June 13 of this year. Administration officials presented their views on it at a hearing of the Subcommittee on Economic Development on June 26.

As chairman of the Economic Development Subcommittee, I am pleased with this bill because it extends the programs administered by the Economic Development Administration and the seven regional commissions authorized under title V, it increases authorizations behind these programs, and it contains significant innovations adding greater breadth and flexibility.

Mr. President, more than 25 Senators have asked to cosponsor this legislation: Senators BAYH, BENTSEN, BURDICK, CLARK, COTTON, EASTLAND, GRAVEL, HATFIELD, HOLLINGS, HUMPHREY, INOUYE, JACKSON, JOHNSTON, LONG, MAGNUSON, MANSFIELD, MCGEE, MCINTYRE, MOSS, MUSKIE, NELSON, PASTORE, RANDOLPH, THURMOND, and YOUNG.

As a chairman of an Appropriations Subcommittee, I have developed a sensitivity about excessive Federal spending. I am mindful that holding the line on expenditures makes good sense in times of inflation. Some programs should be cut.

There are programs, on the other hand, that should not be cut. They should be increased because they fight inflation. The programs in this bill provide such an example. To cut them would be false economy.

Unemployment and welfare payments today exceed $25 billion a year. Putting unemployed persons to work is the purpose of EDA and the regional commissions. In its 9-year history, these agencies have created more than half a million jobs. Those jobs were created in the poorer areas with relatively small annual appropriations.

I emphasize the job-creating programs like those of the EDA and commissions are anti-inflationary. Investments are made in the parts of the economy where productive capacity is underutilized. The long-term effect does not feed inflation because it increases the supply of goods and services to the economy.

Mr. President, the bill contains significant additions to existing program authority. First, the bill permits areas designated under the substantial unemployment criteria of title I to be eligible for title II business loan program. This means more than 300 additional areas, many of them moderate to large cities, can take advantage of the full range of EDA programs.

The second significant change in the bill relates to the first: the business loan program is broadened to permit the guarantee of loans and rental payments of leases for buildings and equipment. Working capital loans and guarantees of working capital loans are also authorized. This program authority is much needed in cities, particularly as they struggle to stabilize and revitalize their central cities.

Third, the bill authorizes a new emphasis on economic development planning by providing direct planning grants to States, economic development districts or other sub-State planning organizations, cities and other political subdivisions. Emphasis is given State planning as a necessary precondition for more effective economic development programs, but the committee would expect a substantial share of the funds appropriated to be available to cities and districts.

Fourth, in conjunction with State planning assistance, the bill provides a new supplementary grant program whereby Governors may supplement EDA projects within the States. Each State will receive an apportionment of funds. States are expected to match on a 25-percent share basis the Federal funds provided. Governors may then supplement EDA projects within the State, or in some cases they may fund a project without Federal participation. The purpose is to further the partnership of Federal-State-local capability in economic development.

Fifth, a new title IX creates a special economic assistance and adjustment program. This program grows out of the increasing problems of dislocation to communities and regions. Earlier in the year, the administration proposed an adjustment program that it hoped would supersede EDA and the Commissions. While we have rejected the proposal to phase out EDA, we do think there is merit in devising a program of assistance for communities hit with somethimes severe unemployment caused by forces from the outside. The actions or the planned actions of the Federal Government causes these problems not infrequently—closing Federal installations, energy allotments, and environmental requirements. Some businesses are closing their doors because they can no longer compete in today's uneasy economy. Some industries like the New England ski industry are badly hurt by abnormally low snowfall.

The assistance provided may be used for public facilities, public services, business development, planning, unemployment compensation, rent supplements, mortgage payment assistance, research, technical assistance, training relocation of individuals, and other appropriate assistance.

Mr. President, there are other amendments in the bill that improve present programs. I have indicated the more important new ones in these opening remarks. We have also added flexibility to the EDA's successful economic development district program. Further, we have emphasized coordination in planning and project activity, at all levels.

Mr. President, before I present the authorizations for these titles in dollar amounts, I want to return again to the nature of the EDA redevelopment area—the place where these programs go. Today, roughly half the counties of this country are eligible for assistance under the Public Works and Economic Development Act. Nearly half the Nation's unemployed are in these places. At least 40 percent of the poor are living in these areas. Many of these areas are low-income areas, that is, family incomes are 50 percent or less of the national media.

So many areas in the country suffer economic ill health. What this means is that substantial basic economic differences are still with us. The modest appropriations for these programs in the past—about 37 percent of authorizations—have accomplished a great deal on a community-by-community basis. But aggregate impact has not been enough. It is time to increase the appropriations. For these reasons we have increased the authorizations for these programs.

The first year total authorization is $895 million. The second and third years, $945 million each year.

Title I: Public works grant and supplementary grants, $300 million.

Title II: Public works and business development loans and guarantees, $100 million.

Title III: Planning, technical assistance and research, $75 million. State supplementary grants, $100 million.

Title IV: Growth centers and bonuses for economic development district projects, $45 million.

Title V: Regional action planning commission programs, $200 million.

Title IX: Special economic development and adjustment assistance, $100 million.

Mr. President, the Senate has not yet acted on the annual appropriation bill for these programs. We have requested the administration to amend the original budget request, based on the wishes of Congress in extending these programs. We are hopeful that the bill approved by both Houses will meet the objections

raised by the administration so they can join in supporting these efforts during the immediate years ahead.

Finally, Senator HATHAWAY has asked me to emphasize a point in these remarks. He presented some helpful views to the subcommittee during hearings on the bill. He believes, and I agree, that it is worth stressing that local OEDP committees required by the act to prepare plans for designation as a redevelopment area must be committees of local citizens who are broadly representative of the area. Assistance to these committees by EDA in this task, he thinks, is essential if meaningful achievement is to take place. His point serves to remind us that real development takes place at the local level through the efforts of the people themselves. These programs are at their best when they assist such efforts.

Mr. President, in conclusion I want most particularly to thank Senator RANDOLPH, chairman of the Committee on Public Works, for his inspiration and leadership in this important economic development legislation. He has been diligent in attending to our subcommittee's work over the years. His experience and wisdom have once again helped us get a good bill.

I want to say thank you also to the distinguished ranking minority member of the subcommittee, Senator MCCLURE. He has acted with dignity and perserverance. He has given precious hours of his time to insure a good bill. His efforts are appreciated.

Mr. BAYH. Mr. President, earlier this month the Senate passed a major economic development bill which I took great pride in cosponsoring. This bill S. 3641, the Public Works and Economic Development Extension Act, will guarantee the continuation of those programs originally authorized by the Congress in 1965 to encourage economically depressed areas to carry out comprehensive development plans, to finance construction of public facilities that would make depressed areas attractive to private investment, and to provide special financing for private firms to encourage them to build new facilities in such depressed areas.

The need for the continuation of these economic development programs is all too obvious in this time of spiraling inflation. In my home State of Indiana, with a statewide unemployment rate of 6.2 percent—almost a full percentage point above the national average—these programs are crucial.

There are very real and frightening human costs in these ballooning unemployment rates. I have seen the despair on the face of working men and women who ache to find a decent job, and to support their families, but who are the innocent victims of the economic policy that accepts growing unemployment with equanimity in a so-called fight against inflation.

It is clear to me that those responsible for formulating the economic policy of this Nation have too often been comfortable with cold statistics. It is certainly much easier to contemplate numbers or percentages than to face the fact that we are dealing with human beings—human beings that must live a day-to-day existence, struggling with conditions over which they have no control.

It is precisely because I am unable to think of these human beings in terms of mere percentages or numbers, that I have given my wholehearted support to those programs fostered under the Economic Development Administration.

Let me take a few moments to examine the Economic Development Administration and its programs in terms of concrete accomplishments towards economic reform—economic reform that has been felt by human beings, not mere statistics.

Over the past several years, the Economic Development Administration has engaged in funding public works projects with the knowledge that the presence of such modern facilities is the prerequisite for economic growth. It has therefore authorized grants and loans to insure this growth for economically depressed areas throughout the country, and of particular concern to me, in my State of Indiana.

The EDA has also been innovative in its provision of capital incentives as inducement for commercial and industrial development in underdeveloped areas. The lending tools which provide this business assistance, I am pleased to say, are substantially broadened under the provisions of S. 3641. This increase in flexibility in the extension of business development and working capital loans and loan guarantees should greatly increase the business community's willingness to expand in depressed areas.

Most EDA programs have been concerned with the development of solutions to long term, structural unemployment in underdeveloped areas. The EDA has always placed strong emphasis on soundly coordinated as well as comprehensive economic development programs which can overcome the difficulties inherent in the arbitrary, hit or miss approach of past efforts.

Traditionally, all eligible redevelopment areas have been required to submit an Overall Economic Development Plan for their area to the EDA before actually receiving aid. I have supported this requirement as a necessary safeguard against wasted effort and careless spending of the taxpayers' money.

The only areas that have been exempted from these requirements are special impact areas, areas which are especially hit hard by the problems of sudden "rise" in unemployment as well as a corresponding loss in both income and population. These areas are in need of immediate relief and have been able to receive money from the EDA on very short notice in order that those unemployed could receive opportunities for gainful employment in the construction of needed public works. In human terms, this program has meant survival for many residents of Elkhart, Indiana who faced the bleak prospects of continuing unemployment after the closing of many recreational industries which drove the unemployment rate in Elkhart upwards of 9 percent earlier this year.

In February of this year, the Administration presented its proposal for a complete overhaul of the regional economic development efforts as we now know them. The proposal would essentially replace the current programs with a revenue-sharing plan that would distribute funds to the States on a block grant basis, according to a formula which would take into account each State's low-income population and unemployment level. This proposal implied that the planning for these funds would have to be done by the States and the local areas intended to benefit from the legislation.

It is certainly the case that the local people know their own needs best, and the goal of locally sponsored planning which would take into consideration the unique needs of the community is an admirable one. Yet I remain concerned that this transition of authority to the States and local communities be done in a manner that would allow existing programs to be managed with the same expertise in regional economic planning currently evidenced at the Federal level.

It is for this reason that I strongly support the provisions of S. 3641. This bill will serve as an interim measure, bridging the gap between present EDA operations which are more oriented to a centralized economic planning and the envisioned program whereby planning would be completed in the locale in question in coordination with Federal agencies.

Various provisions of S. 3641 are specifically designed to implement this transition between the Federal Government and the local community. Amendments to title V of the act stipulate broadened consultation between economic development districts and Regional Action Planning Commission in the areas of awarding public works grants and business loans, and in the provision of planning grants and outright technical assistance. Under provisions of title III, the Secretary of Commerce is authorized to make grants directly to the State agencies and to all types of State political subdivisions for the purposes of economic planning. In addition, $50 million for the remainder of fiscal 1975 and $100 million for fiscal 1976 are authorized to be allocated to the States for the purposes of supplementing grants, loans, and loan and rental guarantees made for the purposes of public works and commercial and industrial development. All these new measures are intended to increase the opportunity of local and State areas to become familiar with both the planning and implementation of economic development.

Not by any means the least important part of the act is the authorization of a new title IX which creates the economic adjustment assistance and demonstration program. By allowing the Secretary of Commerce to make grants to agencies of virtually any subnational entity for the purposes of developing and testing new approaches to problems of adjustment and development, the act furthers the goal of making individual distressed areas less dependent on the initiative of what has been heretofore an increasingly centralized bureaucracy.

For the first time in our history we have comprehensive legislation that will give local areas the funding tools they need to develop new ways to cope with

all types of economic burdens imposed upon them owing to changes in public policy—changes causing adjustment problems such as military base closings, environmental protection legislation, international trade legislation and the like. Under our bill, areas can also receive aid if their tourist industries are predicted to suffer on the basis of adverse climate conditions.

A major emphasis of this new program is to aid areas before they reach the stage of acute distress. Very often when areas begin the slide to depression, due for example to the closing of a major industry, the younger, ambitious and more well-educated workers are the first to leave. The outmigration of some of the area's basic units erodes its tax base further, and pushes it along the downward spiral of depression. It is obvious that in the long run it is easier and much less costly to give the area in question the tools it needs to cope with imminent adjustment problems while the area still possesses a viable economic base.

I speak out today in support of S. 3641 with the case of my home State in mind. Since its inception, the EDA has spent some $14 million in Indiana for public works and business development as well as technical and planning assistance. Much more aid will be needed to alleviate the statewide unemployment rate of 6.2 percent. Indiana has faced an increase in the unemployment rate of 2.3 percentage points over last year's rate. Unemployment levels in such leading labor areas as Evansville, Fort Wayne, Gary, Indianapolis, and South Bend have increased as much as 1.3 percent over the last year. The potential for more layoffs due to automobile industry cutbacks indicate more long-range unemployment problems for Madison, Howard, and other such counties.

In addition to the burden of increasing unemployment, statistics show that 98,035 families in Indiana fall below poverty income levels. With the ever-expanding inflation rate, we can expect this figure to grow substantially. Particularly distressing is the fact that of all Indiana citizens 65 years of age or older, 26.4 percent of these senior citizens fall into the below poverty level.

As you know, Mr. President, the Economic Development and Public Works Extension bill is now in conference. I would like to take this opportunity to commend the conferees for the progress they have made so far, and I urge that when the bill is reported from conference, the Congress take positive action on this crucial legislation without delay.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

The Senator from Idaho.

Mr. McCLURE. Mr. President, I have an amendment at the desk which I have discussed with the chairman of the subcommittee, Senator MONTOYA, and the chairman of the full committee, Senator RANDOLPH, and which I understand they are prepared to accept.

My amendment contains three parts. The first section would lower the required spending for the public works impact program from 25 percent to 10 percent of the amounts appropriated under title I. The second would remove language in title IX of the bill mandating unemployment compensation but it would continue this as an eligible use of title IX funds. Third, it would change the authorization in the bill to 2 years—

I ask unanimous consent that prior to adoption of the amendment a statement of my views appear in the RECORD.

There being no objection, the statement of views was included, as follows:

SUPPLEMENTAL VIEWS OF SENATORS McCLURE AND BAKER

Throughout consideration of this economic development legislation, we have endeavored to secure a bill which would assure an extension of ongoing EDA activities—while the Committee and the Congress consider further revision and improvement of existing programs and work to develop alternative proposals.

The Administration has proposed increased flexibility for the economic development programs and an increased State role and responsibility. We are glad the Committee bill includes State planning and project funds and a version of the Administration's economic adjustment program. There are, however, several provisions of the Committee bill which we cannot support, and believe endanger continuation of the EDA programs. These provisions are first, the mandatory payment of unemployment compensation under the Title IX economic adjustment program; second, the 25% mandatory spending level for the Public Works Impact Program; and third, the three-year term of the bill.

UNEMPLOYMENT COMPENSATION

The Committee bill mandates payment of unemployment compensation, up to one year, to any individual as a result of an economic dislocation for which an area is eligible for assistance under the Title IX economic adjustment program.

The purpose of the economic adjustment program, which was first proposed by the Administration, is to permit quick, flexible assistance to areas and regions experiencing, or about to experience, dislocations due to economic changes, particularly those caused by federal actions such as base closings. To best meet the particular adjustment need of an area, a wide range of eligible programs to stimulate economic activity and job opportunities are proposed.

Mandating payment of unemployment benefits from any grant made under the Title could in effect convert the program from flexible economic adjustment to unemployment compensation for a few selected areas. The limited economic adjustment funds would then be used for unemployment compensation rather than to stimulate economic activity and new job opportunities. For example, the total authorization for Title IX is $100 million per year for the entire country. But mandated unemployment compensation program promises to be so costly that the Secretary of Commerce would be able to designate only a few areas under the program. There would remain, however, the pressing need for an economic assistance program, as originally proposed in Title IX, to put people back to work—which we believe would be more productive for the community, the economy, and for individuals and their families.

Further, the unemployment compensation system in Title IX would result in a fragmented and inequitable program. The Department of Labor has maintained that any deficiencies in the existing system should be corrected through comprehensive legislation applicable to all workers not by the creation of separate, new programs, for special groups. To this end, the Administration has introduced legislation. "The Job Security Assistance Act", S. 3257. Title II of that bill, pending before another Committee, would authorize another 13 weeks of benefits, in addition to the 26 and in some instances 39 weeks of benefits under the existing program, in areas of high unemployment without regard to cause; energy shortages, environmental orders and other causes would be covered. The proposal also provides up to 26 weeks of benefits in areas of high unemployment for previously employed workers not covered by unemployment compensation laws.

PUBLIC WORKS IMPACT PROGRAM

The 1971 EDA amendments required that no less than 25% of the funds appropriated under Title I for public works grants be spent on the Public Works Impact Program (PWIP). The purpose of the 1971 PWIP program—a version of accelerated public works—is to create immediate useful jobs for unemployed and underemployed persons in an economically distressed area.

A recently completed survey of the PWIP program by the Department of Commerce indicates that the number and duration of jobs created through PWIP was much lower than projected, fewer jobs than anticipated went to the target population in the distressed areas, the number of man months of employment was less than one-half the estimates, and the cost per job for the target population was exceedingly high.

Specifically the PWIP study indicated that (1) only 22% of the total expenditures under the 1972 program went to wages, and less than 7% of the total cost represented wage payments to the target group workers; (2) the average duration of employment on a PWIP project was less than one man-month per worker, and more than 50% of the jobs lasted for less than 80 hours; (3) the cost of generating one man-month of employment for a target group worker exceeded $10,000; (4) the total number of jobs held by target group workers was 29% compared to the 77% originally estimated, and (5) PWIP hired a maximum of .3% of the aggregate unemployed labor force in the designated distressed area.

As the program has failed to have the direct job impact anticipated when it was enacted two years ago, I believe the mandatory spending level should be reduced so as to allow the Secretary of Commerce more discretion in funding this type project. I believe the high mandatory spending, one-fourth of all funds appropriated under the Title I program, drains limited grant funds from the basic purpose of the EDA Act—which is to stimulate long range economic development in distressed communities.

LENGTH OF THE EXTENSION

While the Committee has included in this transitional bill some new program initiatives and improvements to existing authorities, we have not yet been able to recommend substantive reform of the entire economic development program. A three year extension of a transition program will put off for too long further development of alternatives and needed improvements, which the Committee has indicated it intends to pursue.

A shorter term of authorization could provide a secure transition of ongoing programs, while encouraging our continued discussion of comprehensive economic development legislation. Two years would lead the Committee, we believe, to give closer scrutiny to the newly authorized programs in this bill. It would also prevent locking in this old program through 1977 at a time when we expect to see new economic initiatives, and hope to develop more effective responses to the problems of inflation and unemployment.

We oppose the three foregoing provisions of the Committee bill in our effort to secure an extension of the EDA program. In Com-

mittee, Sen. McClure offered amendments to correct them. We consider that the mandatory unemployment compensation, required PWIP spending, and 3 year term, do not contribute to the effectiveness of the EDA program, but rather jeopardize the future of this legislation.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

On page 13, beginning on line 19, strike all after the period through the end of line 22 and insert the following: "The final sentence of section 105 of such Act, as amended, is amended by inserting after the words "and June 30, 1974," the following "and not less than 10 per centum nor more than 35 per centum of all appropriations made for the fiscal years ending June 30, 1975 and June 30, 1976,".

On page 32, beginning with line 18, strike all down through line 18 on page 33 and insert in lieu thereof the following:

"(d) in each case in which the Secretary determines a need for assistance under subsection (a) of this section due to an increase in unemployment and makes a grant under this section, the Secretary may transfer funds available for such grant to the Secretary of Labor and the Secretary of Labor is authorized to provide to any individual unemployed as a result of the dislocation for which such grant is made, such assistance as he deems appropriate while the individual is unemployed. Such assistance as the Secretary of Labor may provide shall be available to an individual not otherwise disqualified under State law for unemployment compensation benefits, as long as the individual's unemployment caused by the dislocation continues or until the individual is re-employed in a suitable position, but no longer than one year after the unemployment commences. Such assistance for a week of unemployment shall not exceed the maximum weekly amount authorized under the unemployment compensation law of the State in which the dislocation occurred, and the amount of assistance under this subsection shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such week of unemployment. The Secretary of Labor is directed to provide such assistance through agreements with States which, in his judgment, have an adequate system for administering such assistance through existing State agencies."

Strike "and June 30, 1977" wherever it appears in the bill and wherever "June 30, 1975, June 30, 1976" appears in the bill insert "and" after "June 30, 1975,".

Mr. McCLURE. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

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

The question is on agreeing to the amendments en bloc.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MONTOYA. Mr. President, I yield whatever time I have remaining to the senior Senator from West Virginia.

Mr. RANDOLPH. Mr. President, what is the time limitation?

The ACTING PRESIDENT pro tempore. Two minutes remain on the bill.

ECONOMIC DEVELOPMENT ACT PROVIDES EMPLOYMENT AND STRENGTHENS COMMUNITY FACILITIES

Mr. RANDOLPH. Mr. President, in 1965, the Economic Development and Public Works Act came into being. During that period of time and continuing until today, the results of this program generally throughout the country have been excellent.

I wish to say for the Record that not only have there been job-producing opportunities for hundreds of thousands of persons, but the work done by these people has enhanced the communities in which they live.

There has been a strengthening process which has been going on for many years, not only in the larger cities but in the countryside. In the pockets of unemployment in those sections of the country there is a very real need for programs of this type benefiting the workers and the communities in which they live and strengthening the whole economy of the United States of America.

I express gratitude and I express commendation to the Senator from New Mexico (Mr. MONTOYA), the chairman of our Subcommittee on Economic Development, who for more than 3 years has worked assiduously in the development not only of the second generation program in this field which is contained in the bill before us. To the Senator who is ranking minority member of the subcommittee (Mr. McCLURE), I express a like appreciation and commendation. I also express appreciation and commendation to all of the other members of the Senate Public Works Committee, Senators MUSKIE, GRAVEL, BENTSEN, BURDICK, CLARK, BIDEN, BAKER, BUCKLEY, STAFFORD, WILLIAM L. SCOTT, and DOMENICI.

There has been throughout the years, in connection with this bill and other measures, almost a total lack of partisanship on our committee, if indeed it has existed at all. This measure, as it comes to the Senate today, will prove once again that America has programs which have a priority in the strengthening of employment and the development of worthwhile community projects.

Mr. President, I share a close personal affinity to the program which would be extended by the legislation under consideration by the Senate today. The Public Works and Economic Development Act of 1965 originated in the Committee on Public Works.

Its genesis, however, was in the hills and valleys of West Virginia where the conscience of the Nation was first brought to bear more than a dozen years ago on the hardships suffered by many of our fellow citizens. The Appalachian Regional Development Act addressed the specific problems of that region. The Public Works and Economic Development Act has a national focus with activities designed to facilitate community development and provide employment opportunities where they are needed.

This program, carried out largely through the Economic Development Administration, is now a mature one. Concerned State and local officials have fully endorsed the purposes of this program. The bill before us provides a 2-year authorization and refinements in the program to improve its ability to help States and communities build stable economic bases. This type of activity is particularly needed now as we are buffeted by the winds of inflation and face the future without our accustomed confidence in the American economy.

The provisions of the bill will permit us to move with renewed strength to remove the uncertainties that are a way of life for far too many Americans and communities.

Mr. President, one of the most important features of this measure is the two-year period of authorization. If it is to be successful, any effort of this type must have time to plan and implement long-range programs. The creation of firmly founded, stable economies and the creation of job opportunities cannot be done too quickly.

The necessary investments in money and manpower are substantial and they should not be committed lightly. Well-conceived plans must be developed, and there must be adequate time to properly implement them.

The bill also authorizes money in sufficient quantities to translate ideas into realities. There is no way that a development program can succeed unless the plans are supported by the funds that will ultimately permit the goals of the program to be achieved. Although much emphasis is placed on local involvement in the planning and execution of development programs, local entities—especially the ones we are trying to assist—do not have the financial resources required. That is why the Federal Government must be deeply involved with cash as well as guidance and technical expertise.

This is a broadly programed bill that provides a variety of types of assistance. It is a package of tools to attack one of our country's most persistent problems, lingering—almost chronic—pockets of economic distress. Despite our current troubles, America is the strongest Nation on Earth. The fruits of our success, however, have never been evenly available to all citizens. Until all of our people have the opportunity to share in our country's wealth, the task before us is incomplete.

Mr. President, the Senator from New Mexico has reviewed the provisions of this legislation. He has explained to the Senate how they can be implemented to achieve the ultimate goal of providing jobs for Americans. I know the Public Works and Economic Development Act worked for I have seen it work. Communities throughout the United States are better today because in 1965 we made a commitment to help them. We have an obligation to continue and expand that commitment by enacting the bill before us. I am glad that the Congress and the administration can join in this effort.

I thank the chairman of the subcommittee for the time alloted to me.

Mr. MONTOYA. Mr. President, I thank the Senator from West Virginia for his very kind words.

The ACTING PRESIDENT pro tempore. The question is on the committee amendment as amended.

The amendment as amended was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that the clerk may make necessary technical changes in the bill.

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

The question is on the engrossment and third reading of the bill.

Mr. GRIFFIN. Mr. President, may I ask third reading be withheld, and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I yield back the remainder of the time allocated to me.

The ACTING PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. GRIFFIN. Mr. President, has the bill come to a third reading yet?

The ACTING PRESIDENT pro tempore. No, it has not.

Mr. MONTOYA. Mr. President, may we have third reading?

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

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

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold that request?

Mr. GRIFFIN. I withdraw it

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending matter be temporarily laid aside for not to exceed 10 minutes, and that the Senate, in the meantime, proceed to the consideration of the Department of Transportation appropriation bill.

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

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 15405) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1975, and for other purposes.

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, I yield myself such time as I may require, within the terms of the unanimous-consent order.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HOLLINGS. The bill is under controlled time, do I understand?

Mr. ROBERT C. BYRD. Yes, it is.

Mr. HOLLINGS. How much time is allotted?

Mr. ROBERT C. BYRD. I believe it is 1 hour on the bill and 30 minutes on any amendment.

Mr. HOLLINGS. We do have sufficient time, then?

Mr. ROBERT C. BYRD. Yes.

Mr. President, the subcommittee took testimony on estimates totaling $9.22 billion which consisted of $5.68 billion in liquidating cash and $3.54 billion in new obligational authority. The committee's recommendation totals $8.93 billion consisting of $5.54 billion in liquidating cash after certain adjustments and $3.39 billion in new obligational authority. This amounts to a reduction of $286 million below the administration's budget request and an increase of $212 million over the House allowance. However, it should be noted that the House deferred action on the request for the National Railroad Passenger Corporation—Amtrak—since the authorization had not passed the House at the time the bill was reported to the House floor. The committee recommends the full budget request for Amtrak, contingent upon passage of the authorizing legislation by the Congress. This accounts for $143 million of the increase over the House.

The total amount of new budget authority recommended is broken down as follows:

TITLE I—DEPARTMENT OF TRANSPORTATION

Office of the Secretary	$64,700,000
Coast Guard	897,722,000
Federal Aviation Administration	1,731,921,000
Federal Highway Administration	51,130,000
National Highway Traffic Safety Administration	80,040,000
Federal Railroad Administration	214,470,000
Urban Mass Transportation Administration	54,130,000

TITLE II—RELATED AGENCIES

National Transportation Safety Board	9,450,000
Civil Aeronautics Board	84,878,000
Interstate Commerce Commission	43,000,000
Panama Canal Zone Government	68,700,000
Washington Metropolitan Area Transit Authority	89,874,000
Total new budget (obligational) authority	3,390,015,000

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

The committee recommends $64,700,000 for the Office of the Secretary, including $31,000,000 for salaries and expenses.

For transportation, planning, research, and development, the committee recommends $32,500,000. The major programs under this appropriation for fiscal 1975 consist of: University research, transportation energy policies, climatic impact assessment, noise abatement, and transportation system assessment.

For grants-in-aid for natural gas pipeline safety, the committee recommends an appropriation of $1,200,000, the same as the budget request and the House allowance.

COAST GUARD

For operating expenses of the Coast Guard, the committee recommends $620,444,448 of which $179,448 shall be applied to Capehart housing debt reduction.

For acquisition, construction, and improvements, the committee recommends the sum of $112,307,000. Included in this amount is $16.9 million for the Loran-C radio navigation system on the Pacific coast, and $15 million for the procurement of new jet aircraft.

The committee recommends concurrence with the House allowance of $29,000,000 for Reserve training, as well as $17.5 million for the research and development programs of the Coast Guard.

In restoring the $10 million requested for the oil pollution fund, the committee recognizes that the capability of the fund to sustain itself is threatened by recent court decisions that persons responsible for spills cannot be assessed a "civil penalty" as a result of reporting them. Also, a recent estimate of the balance in the fund was only $7.5 million of the $20 million authorized in Public Law 92–500.

Federal Aviation Administration

Mr. President, we recommend $1,379,500,000 for the operations of the FAA. This increase of $16.5 million over the House allowance was felt to be necessary in light of the fact that the House reduction was made on the premise that the air traffic levels would be lower than FAA had anticipated in their budget due to the fuel crisis. However, testimony before the committee revealed that FAA had already reduced its staffing request by 4½ percent in December 1973, below levels which they had originally projected in September 1973.

For facilities and equipment, the committee recommends $242,221,000. This includes restoration of $6.7 million over the House bill for training equipment and a reduction of $5,579,000 in funds planned for use in implementing closing of flight service stations. Those funds will no longer be needed for that purpose in view of the committee's recommended concurrence with the House bill language prohibiting any remoting of flight service stations this fiscal year.

For the R. & D. programs of FAA, we have included $70 million, the full budget request. This represents a substantial reduction below fiscal year 1973 and fiscal year 1974 for these programs. During those years, combined financing for engineering and development activities was included in two appropriations—Research, engineering, and development, and facilities and equipment—Airport and Airway Trust Fund—and averaged $100 million annually. Thus, the fiscal 1975 request is not a $7.9 million increase over fiscal 1974, but a decrease of $30 million.

We recommend the full $280 million for airport development grants as well as $4.5 million for planning grants. For National Capital Airports, the committee restored the $3 million requested for construction of a jet ramp at Dulles Airport.

FEDERAL HIGHWAY ADMINISTRATION

To continue the construction in the Federal-aid highway program, we are recommending a liquidating cash appropriation of $4,577,840,000 from the Highway Trust Fund. Of this amount, nearly $3 billion is to continue construction of the Interstate Highway System. The increase of $4 million over the House allowance is intended for the FHWA's construction skill training program. The bill includes separate appropriations for motor carrier safety and highway safety research and development, the same as the House bill. We recommend concurrence with the separation of those accounts for the first time in this bill. The amounts recommended are $6.1 million for motor carrier safety and $9 million for highway safety research and development.

For highway beautification, we recommend concurrence with the House allowance of $25 million in liquidating cash. However, an increase of $10 million over the House in the obligation limitation has been recommended by the committee, bringing the total level to $50 million for fiscal 1975.

We recommend concurrence with the House deletion of the request for the rail crossings projects in the Northeast Corridor. Testimony revealed that almost $20 million of prior year appropriations still remain available for those programs. With respect to the rail-highway crossings demonstration projects authorized by section 163 of the Federal-Aid Highway Act of 1973, we recommend an addition of $7.5 million over the House allowance of $8 million, making a total of $15.5 million for those projects. It is intended that the full Senate addition be used for the Lincoln, Neb., project. It is our intention, as it was of the House, that these funds be used prior to the regular apportionment of funds under sections 203 and 230 of the Highway Act.

In recommending concurrence with the House allowance of $10 million for the rural highway public transportation demonstrations, the committee understands that a budget request will be forthcoming for the remaining $20 million authorized for those programs in later budgets.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

For the highway and traffic safety program, the committee recommends several changes from the House allowance. Those changes include $2.5 million for the initiation of a crash recorder program rather than a crash impact research program, $4 million for extension of at least eight alcohol safety action projects rather than one-half that number permitted by the House, and the remaining $2.19 million for financing safety studies mandated by the Highway Safety Act of 1973. For State and community highway safety, the committee recommends concurrence with the House allowance of $96 million in liquidating cash but recommends an increase of $21 million in the obligation limitation; $5 million of that increase would be for incentive grants to States that pass mandatory seat belt laws and the remaining $16 million for States that substantially reduce traffic fatalities. The payment of the seat belt incentive is authorized under section 219 of the 1973 Highway Safety Act. According to the Agency, mandatory seat belt legislation has been introduced in 27 States during fiscal 1974.

FEDERAL RAILROAD ADMINISTRATION

The committee recommends concurrence with the House allowance for the following accounts: Office of the Administrator, $3.8 million; Railroad Safety, $10,170,000, and grants-in-aid for railroad safety, $1 million.

For railroad research and development, the committee recommends concurrence with the House allowance of $50 million, which represents an increase of nearly $20 million over the amount appropriated for such activities in the last fiscal year. The committee agrees with the House on the importance of concentrating efforts on those programs which offer the greatest potential for early results applicable to present and near-term problems.

For grants to the National Railroad Passenger Corporation, an appropriation of $143 million is recommended. The Corporation is facing severe cost pressures resulting from inflation and the operation of additional mandated routes and services and the amount budgeted herein will not be adequate to fund the operations for the entire fiscal year. Both the Senate and House Legislative Committees have recommended an authorization of $200 million for fiscal 1975. The committee will favorably consider additional funding for capital and operating needs when specific requests are submitted in a supplemental appropriation estimate. The committee is concerned that Amtrak make every effort to control the cost and the committee desires that Amtrak move aggressively to assume all functions now performed by the railroads wherever practicable and, particularly, in the costly repair and maintenance function.

The committee recommends the full budget request of $6.5 million for the Alaska Railroad Revolving Fund, an increase of $2.5 million over the House allowance.

URBAN MASS TRANSPORTATION ADMINISTRATION

The committee recommends an appropriation of $48,138,000 for UMTA's research and development and demonstration and university research and training programs. Specific changes in the House allowances are as follows: For high capacity research, a reduction of $1 million to a level of $1,750,000; for dial-a-ride, an addition of $1.5 million; for transit services, a reduction of $1 million to a level of $9 million, and for dual mode research, an appropriation of $2 million. It is also the committee's intention that $4.5 million of carryover funds available from previous appropriations be fully utilized in the fiscal 1975 programs.

The committee recommends concurrence with the House deletion of $10,620,000 for high performance PRT. The committee understands that the preliminary design phase of this project will be complete in 1975 and recommends a deferral of the construction and demonstration phase of this project.

Concurrence with the House allowance of $400 million in liquidating cash is recommended. However, the committee is recommending an addition of $376.5 million over the House program limitation for fiscal 1975. Of this amount, $375 million is intended for capital grants which raises the total level for those programs from $1.225 billion provided by the House to $1.6 billion.

RELATED AGENCIES

The committee recommends concurrence with the House allowance for the following agencies: National Transportation Safety Board, $9,450,000 for salaries and expenses; for the Interstate Commerce Commission, $43 million for salaries and expenses; for the Panama Canal Zone Government, $62.7 million for operating expenses and $6 million for capital outlays; and for the Washington Metropolitan Area Transit Authority, $72,124,000 for the Federal contribution, and $17,750,000 for the interest subsidy for fiscal 1975. For the Civil Aeronautics Board, the committee recommends concurrence with the House allowance of $17,150,000 for salaries and expenses. However, for payments to air carriers, testimony revealed that the CAB believes that it can handle the anticipated workload in this area for $67,728,000, a reduction of $2.1 million below the House level.

Mr. President, I believe we have brought a carefully balanced bill to the Senate.

Before I proceed further, I wish to express my gratitude to Senator CASE, the ranking Republican member of the subcommittee, and to Senator STEVENS, for the courtesy and cooperation they so consistently have given to me as we work together in our subcommittee on the DOT appropriations bills. They are always most congenial and understanding, and I never hesitate to feel that I can call on them for any assistance. They are both very able Senators, entirely dedicated, and I feel so very fortunate in being able to work with them.

I also wish to compliment Mr. James English, our faithful staff member, without whose diligence and knowledge we would have been sorely disadvantaged. He is not only an agreeable and pleasant man, but he is an able man. It is a pleasure to work with him, as it is with Mr. Gar Kaganawich, who, likewise, is a very amiable and capable staffman. My sincere thanks go to both of these faithful appropriations staff members, and to all Senators on the subcommittee.

Mr. President, I ask unanimous consent that the committee amendments, with the exception of the first committee amendment at the top of page 18 of the bill, be agreed to en bloc, and that the bill as thus amended be considered as original text for the purpose of further amendment, with the understanding that no points of order are waived by reason thereof.

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

Mr. HOLLINGS. Mr. President, I wish to address the Chair on that point. Will that agreement allow for amendments?

Mr. ROBERT C. BYRD. Any Senator may offer any amendment to the bill, and

also to any committee amendment that has not been agreed to.

Mr. HOLLINGS. Very well. I have no objection.

The amendments agreed to en bloc are as follows:

On page 2, at the end of line 8, strike out "$31,300,000" and insert in lieu there of "$31,000,000".

On page 2, line 19, strike out "$28,000,000" and insert in lieu thereof "$32,500,000".

On page 3, in line 6, strike out "$617,579,448" and insert in lieu thereof "$620,444,448".

On page 4, in line 12, strike out "$111,307,000" and insert in lieu thereof "$112,307,000".

On page 5, beginning with line 20, insert:

POLLUTION FUND

For carrying out the provisions of subsections (c), (d), (i) and (l) of section 311 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), $10,000,000 to remain available until expended.

On page 6, at the end of line 9, strike out "$1,363,000,000" and insert in lieu thereof "$1,379,500,000".

On page 6, in line 22, strike out "$12,000,000" and insert in lieu thereof "$12,500,000".

On page 7, in line 16, strike out "$241,100,000" and insert in lieu thereof "$242,221,000".

On page 8, in line 10, strike out "$55,000,000" and insert in lieu thereof "$70,000,000".

On page 8, in line 19, after "For", insert "grants-in-aid for airport planning pursuant to section 13 of Public Law 91-258 and for".

On page 8, at the end of line 24, strike out "$280,000,000" and insert in lieu thereof "$284,500,000, of which $4,500,000 shall be for airport planning grants".

On page 9, in line 14, strike out "$4,200,000" and insert in lieu thereof "$7,200,000".

On page 10, in line 5, strike out "$127,200,000" and insert in lieu thereof "$131,200,000".

On page 10, in line 10, strike out "$28,600,000" and insert in lieu thereof "$32,600,000".

On page 11, in line 25, strike out "$8,000,000" and insert "$15,500,000".

On page 11, at the end of line 25, insert "by transfer".

On page 12, beginning with line 19, insert the following:

ALASKA HIGHWAY

For necessary expenses to carry out the provisions of section 218 of title 23 of the United States Code, $5,000,000 to remain available until expended.

On page 13, in line 7, strike out "$4,573,840,000" and insert in lieu thereof "$4,577,840,000".

On page 14, beginning with line 18, strike out

BALTIMORE-WASHINGTON PARKWAY

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal Aid Highway Act of 1970, for the Baltimore-Washington Parkway, to remain available until expended, $4,000,000 to be derived from the "Highway Trust Fund" and to be withdrawn therefrom at such times and in such amounts as may be necessary.

On page 15, in line 7, strike out "$71,350,000" and insert in lieu thereof "$80,040,000".

On page 15, in line 8, strike out "$27,380,000" and insert in lieu thereof "$32,870,000".

On page 15, in line 10, strike out "$33,705,000" and insert in lieu thereof $36,605,000".

On page 16, beginning with line 14, insert:

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $143,000,000, to remain available until expended, of which $127,800,000 shall be available only upon the enactment into law of authorizing legislation by the Congress.

On page 17, in line 17, strike out "$4,000,000" and insert in lieu thereof "$6,500,000".

On page 18, in line 11, strike out "$51,130,000" and insert in lieu thereof "$48,130,000".

On page 18, in line 12, strike out "$47,880,000" and insert in lieu thereof "$44,880,000".

On page 20, at the end of line 21, strike out "$69,828,000" and insert in lieu thereof "$67,728,000".

On page 24, at the end of line 24, strike out "$40,000,000" and insert in lieu thereof "$50,000,000".

On page 25, in line 3, strike out "for incentive grants for mandatory seat belt legislation nor for programs".

On page 25, in line 5, strike out "$100,000,000" and insert in lieu thereof "$121,000,000".

On page 25, in line 14, strike out "'Urban Mass Transportation Fund'" and insert in lieu thereof "the Urban Mass Transportation Act of 1964, as amended".

On page 25, in line 16, strike out "$1,321,750,000" and insert in lieu thereof "$1,698,250,000".

The excepted amendment is as follows:

On page 18, in line 4, strike out "$7,000,000" and insert in lieu thereof "$6,000,000", to remain available until expended."

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment to the remaining committee amendment, and ask that it be stated.

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

The assistant legislative clerk read as follows:

On page 18, line 5, insert the following at the end of the line: *Provided, however,* That there be a 3% reduction in New Budget Authority (obligational) across-the-board of the total appropriations contained in this Act.

Mr ROBERT C. BYRD. Mr. President, if Mr. MONTOYA and Mr. RANDOLPH and the other Senators are ready to proceed with the other matter, I will be happy to yield the floor at this time for that purpose.

Mr. HOLLINGS. As I understand the amendment of the Senator from West Virginia, it requests a 3 percent cut across the board.

Mr. ROBERT C. BYRD. Across the board.

Mr. HOLLINGS. Mr. President, I ask to be added as a cosponsor.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the very distinguished Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of my amendment.

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

Mr. HOLLINGS. When the Senator does have time I would like to make a few comments, and I commend the Senator.

Mr. ROBERT C. BYRD. I would be delighted to yield. May I yield to the Senator from Maryland (Mr. MATHIAS) at this point.

Mr. MATHIAS. Mr. President, I was just wondering, I have an amendment which is very brief and, if the Senator would yield——

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that my pending amendment to the committee amendment be temporarily laid aside and the Senator from Maryland be recognized for an amendment.

Mr. MATHIAS. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized and the clerk will report.

The assistant legislative clerk proceeded to read the amendment.

Mr. MATHIAS. Mr. President, I ask unanimous consent that we dispense with further reading of the amendment.

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

Mr. MATHIAS' amendment is as follows:

On page 14 after line 17 insert the following paragraph:

BALTIMORE-WASHINGTON PARKWAY

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal Aid Highway Act of 1970, for the Baltimore-Washington Parkway, to remain available until expended, $1,600,000 to be derived from the "Highway Trust Fund" and to be withdrawn therefrom at such times and in such amounts as may be necessary.

Mr. MATHIAS. Mr. President, I would like to commend the Senator from West Virginia (Mr. BYRD) and the Senator from New Jersey (Mr. CASE) for their excellent work in shaping this transportation appropriations bill for fiscal year 1975. In most respects, I believe my colleagues will find this bill as reported by committee to be both fiscally responsible and highly responsive to the growing transportation needs of our Nation.

In particular I want to congratulate our committee for restoring the Amtrak funds cut by the House, for providing for a more realistic program level for urban mass transit, and for taking steps to strengthen our national highway safety program.

The committee also has adopted a number of policy positions in important areas, I believe. For example, the committee has made clear its determination to strengthen a lagging railroad safety program by providing for even more inspectors as soon as the necessary authorizing legislation is enacted.

In this regard, I was glad to note that the committee warned the Federal Railroad Administration that it must change its attitude and give "higher priority to railroad safety."

I also am glad to note the committee has encouraged and directed the Federal Aviation Administration to "vigorously pursue" technological and operational means to substantially reduce noise from the commercial aircraft fleet. The committee's action will be welcome news to communities and citizens living in airport areas.

On balance, therefore, I believe the bill we have before us today is a sound and prudent measure, and worthy of broad support in this chamber.

BALTIMORE-WASHINGTON PARKWAY

However, the bill as reported by committee does contain one important omission of great concern to me and regarding which I would like to seek clarification for the record. I am referring to the lack of an appropriation for continued preliminary work on the Baltimore-Washington Parkway.

Any of my colleagues who have made

the difficult trip on this major artery between our Nation's capital and the Baltimore-Washington International Airport must be well aware of the great need for improvements and reconstruction of the Parkway, and of the heavy traffic demands on it even in spite of the opening of I–95, which runs parallel to it and to the West.

This unique and crucial artery provides access not only to one of the three major airports serving Washington, but also to the city of Baltimore itself, the Goddard Space Center and a host of other key Federal installations. Its proper construction and maintenance are clearly a matter of legitimate Federal concern.

For this reason, the Congress has already authorized a total of $65 million for the reconstruction of a key segment of the Baltimore-Washington Parkway in Public Law 91–605, the 1970 Federal-Aid Highway Act. Under this authorization the federally owned section of the Parkway—running roughly from beltway to beltway—would be expanded to six lanes and built up to Interstate standards, whereupon it would be turned over to the State of Maryland for all future maintenance responsibilities. This is a sound approach and, as I have indicated, has already been enacted into law by Congress.

The President's budget sought an appropriation $10.7 million for preliminary engineering and acquisition of rights-of-way, based apparently on an optimistic projection of the pact with which the project could be undertaken.

In recognition of subsequent delays, the House cut this figure to $4 million, estimating that no more than that amount could usefully be spent on it in this fiscal year. The U.S. Department of Transportation did not appeal this cut, and my inquiries with the Maryland State Department of Transportation revealed that the State concurred in this matter.

The Senate Appropriations Committee went one step further, however, and eliminated the appropriation entirely. It is this action which I would like the Senate to reconsider today.

The committee report simply states that "testimony revealed that no agreement has been reached as to exactly what will be done with regard to that reconstruction. The committee feels that no appropriation is necessary until such time as there has been a meeting of the minds as to the need for an appropriation."

But I want the RECORD to show clearly that we in no way mean to signal any diminution of congressional commitment to the urgency of the completion of this crucial project. In fact it is the view of the committee without exception that State and Federal officials should redouble their efforts to expedite progress on these reconstruction plans.

In view of the vital nature of this road, I believe we should provide at least the amount of money necessary for detailed contract plans so that as a meeting of the minds is achieved they could go forward with the necessary planning. This amendment merely provides $1,600,000 for that purpose.

Mr. ROBERT C. BYRD. Mr. President, I have discussed this amendment with the distinguished Senator from Maryland, and I believe that my counterpart on the committee, the distinguished ranking member, Mr. CASE, would be agreeable. I have some indications of that already that he would be agreeable to the acceptance of this amendment, and I will be glad to accept it and take it to conference.

Mr. MATHIAS. I thank the Senator.

Mr. President, at this time, I ask unanimous consent that the Senator from Maryland (Mr. BEALL) be added as a cosponsor of my amendment.

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

Mr. BEALL. Mr. President, in Public Law 91–605, the Congress authorized funds for the improvement and reconstruction of the Baltimore-Washington Parkway.

This act conditioned these funds on the State of Maryland and the Department of the Interior entering into agreement which, in effect, would transfer the segment of the Baltimore-Washington Parkway owned by the Federal Government, to the State of Maryland following the improvement and thereafter it would be owned, maintained, and policed by the State.

The Baltimore-Washington Parkway is a near disaster. It is made up of patches over patches. The problem is that the base of the road is inadequate and therefore, most improvements do not last. When one goes over some of these humps, it almost feels like you will become airborne. I have heard complaints of people's air conditioners coming loose, and complaints more numerous to convey to the Senate. The road, of course, was built for another era. It does not meet the Interstate System and I would venture to say that the accident rate on that highway is probably double that of roads meeting interstate standards.

To eliminate these funds, not only is to renege on a commitment which the State of Maryland and the Interior Department reached at the specific directions of the Congress, but it also will perpetuate a dangerous, highly traveled highway.

The Bicentennial will be upon us soon and this will be one of the arteries used as citizens visit the Nation's Capital and surrounding areas. The Federal Government, in my judgment, has a choice either to carry out their end of the agreement or they should bring the highway up to appropriate standards. The maintenance of the status quo is a clear and present danger to our citizens.

Furthermore, it is shortsighted from an economic standpoint. The Federal Government is spending $200,000 annually for maintenance and this year they are adding $150,000 to this sum from regular programs because of the disastrous condition of the parkway. All of this, as I indicated, is money down the drain because the patches will not hold.

Furthermore, the Park Police presently patrol the highway, at an annual cost of $300,000 and once the agreement is consumated and the improvements made and the highway is turned over to the State of Maryland. Maryland will be policing the highway. This, of course, will represent a further savings for the Government.

For the Federal Government to maintain the highway properly and bring it to appropriate standards, it would cost $2 million. The choice is for Congress either to maintain the highway properly, or to carry out the agreement. I have hope that we will approve the funds so that the agreement we asked for and the parties' negotiation can be carried out. This is in the best interest of the Federal Government, the State, and the citizens from all over the country who use this important artery to the Nation's Capital.

Mr. GRIFFIN addressed the Chair.

Mr. MATHIAS. Mr. President, may we have a vote?

The ACTING PRESIDENT pro tempore. Will the Senator state the question again?

Mr. GRIFFIN. I am seeking recognition.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator for 1 minute.

Mr. GRIFFIN. Are we operating under a time limitation? We are not on the amendment, are we?

Mr. ROBERT C. BYRD. Yes.

Mr. GRIFFIN. On what amendment?

Mr. ROBERT C. BYRD. On the amendment of Mr. MATHIAS.

Mr. GRIFFIN. What is the time limitation?

Mr. ROBERT C. BYRD. Thirty minutes, 15 minutes to each side.

Mr. GRIFFIN. I see.

Mr. ROBERT C. BYRD. I will be glad to yield to the Senator such time from my remaining time as he wishes.

Mr. GRIFFIN. All right, I appreciate that.

Mr. ROBERT C. BYRD. How much time do I have left?

Mr. GRIFFIN. I seek to be recognized for 2 minutes.

Mr. ROBERT C. BYRD. I will be glad to yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I am confident, on the assurance of both the Senator from Maryland (Mr. MATHIAS) and the Senator from West Virginia (Mr. ROBERT C. BYRD) that this amendment is not controversial and that the ranking Member on our side, Mr. CASE, would approve it.

However, I believe out of courtesy to him—and it was his understanding I am told by his staff that, perhaps, it was unfortunate but he was led to believe that we would probably not get started on the DOT appropriations bill until 9:30 so he has not arrived in the Chamber yet and, of course, I would have no objection to opening statements being made or any preliminary statements of any kind being made on this legislation—I do not believe that action should be taken on amendments until he arrives.

Mr. ROBERT C. BYRD. Mr. President, I appreciate the Senator's response. May I say——

Mr. GRIFFIN. Unless an unreasonable time goes by, because I expect him momentarily in the Chamber.

Mr. ROBERT C. BYRD. Has the Senator completed his statement?

Mr. GRIFFIN. Yes.

Mr. ROBERT C. BYRD. Mr. President, I have indications from the staff of Mr. CASE that this would be agreeable. Having worked with Mr. CASE for a number of years on this subcommittee, I am sure the distinguished Senator from Michigan would understand that I would not do anything in the absence of Mr. CASE about which I felt there was the slightest doubt. As a matter of fact, I would be willing to bet $25 with the Senator from Michigan [laughter], and let any Senator hold that amount, that the Senator from New Jersey will not have any objection to the amendment.

Mr. GRIFFIN. I would be willing to bet $100——

Mr. ROBERT C. BYRD. I will match it.

Mr. GRIFFIN (continuing). That the Senator from West Virginia is absolutely correct. I certainly have no question whatsoever.

Mr. MATHIAS. Mr. President, let me just reinforce what the Senator from West Virginia said, that not only would he not accept an amendment, I would not offer it in the absence of the Senator from New Jersey if I had not been assured that he was agreeable to it.

Mr. ROBERT C. BYRD. Would the distinguished assistant Republican leader let us proceed and not have a motion to reconsider the amendment? This would protect Senator CASE.

Mr. GRIFFIN. Fine. In the interest of orderly procedure—I think the Senator from West Virginia appreciates the importance of that in the operation of this body—I would like to as much as possible protect the chairman and ranking member of the committee on bills.

Mr. ROBERT C. BYRD. I appreciate that. I respect the Senator for it. He does a great job of it. I am just interested in the Senate moving along as long as we have some time.

Mr. GRIFFIN. Let us proceed as the Senator from West Virginia suggested.

Mr. ROBERT C. BYRD. Yes.

The ACTING PRESIDENT pro tempore. Do the Senators all yield back time?

Mr. ROBERT C. BYRD. I yield back my time.

Mr. MATHIAS. I yield back my time.

The ACTING PRESIDENT pro tempore. All time has been yielded back. The question is on agreeing to the amendment of Mr. MATHIAS. (Putting the question.)

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HOLLINGS. Mr. President, I wish to speak in behalf of the amendment offered by the distinguished Senator from West Virginia and myself.

Mr. ROBERT C. BYRD. I will yield such time as the Senator may require out of my time.

Mr. HOLLINGS. Mr. President, I want to commend the distinguished Senator from West Virginia, and subcommittee chairman on our appropriations subcommittee, for leading the way. In fact, this is what really was intended on yesterday when we were subjected to charges of a meat ax approach. Subsequent to our vote on yesterday we had been trying—but I can be more specific now—we went back down to a similar markup before the Appropriations Committee because the appropriations leadership had admonished the Senator from Florida and myself that what really should be done is that the Senators should appear before the Appropriations Committee before they came to the floor with a percentage cut and tried to take it on an item-by-item basis on a matter.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate while the distinguished Senator is speaking—and I beg his pardon for the interruption. I think he is entitled to be heard.

Mr. HOLLINGS. I thank my colleague.

We were admonished that we should go back to the Appropriations Committee and take it up on an item-by-item basis and not come to the floor by way of surprise with the meat ax approach of a percentage cut.

So, Mr. President, we did that, and we have been trying to do it in other appropriations markups, but this is very fresh in memory.

The HUD-space science appropriations bill was marked up and reported out. I do not have a committee report as it is yet to be printed, but in essence, it goes again some one-half billion dollars, approximately $600 million, over last year. Mind you, they emphasize this matter of budget estimate. The phraseology "budget estimate" does not give us a good guidepost however in this particular arena because, after all, we came with a budget last year that the Senate had approved of somewhere in the vicinity of $268.7 billion and with other items went finally to about $278 or $279 billion.

The President then came in with a fiscal year 1975 budget of $305 billion, and at that amount, it is conceded that it is almost $12 billion over last year.

The President said we ought to cut that by $5 billion, and many of us in this body, to really stop inflation, believe we ought to cut the budget back about $10 billion.

Specifically, the Senate itself has voted a $295 billion limitation. In order to obtain that, when we come to the floor with percentage cuts and they respond that they went below the budget estimate, let us remember that the budget estimate was a very extravagant figure, in our view, if one relates that to inflation. The fact is that—there is no need to recount financial history, but the first 5 years of this administration went $100 billion over revenue; a $100 billion deficit. So there is no real credibility, at least fiscal credibility, in the word or phrase "budget estimate."

We went back to the Committee on Appropriations having been duly admonished by the chairman of the budget committee, by the chairman of the Committee on Appropriations and by the distinguished Senator from Mississippi, the chairman of the Public Works Subcommittee of the Committee on Appropriations.

The ACTING PRESIDENT pro tempore. The time allotted on the bill has expired and the Senate will now return to the consideration of S. 3641.

Mr. ROBERT C. BYRD. Mr. President, as I understand it, the distinguished Senator from New Mexico (Mr. MONTOYA) is not yet ready to proceed on the measure that was pending before the appropriations bill was taken up. With his consent and the consent of other Senators, I ask unanimous consent that the distinguished Senator from South Carolina may have 2 additional minutes to complete his statement.

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

Mr. HOLLINGS. I appreciate it. It will take several more minutes.

Mr. President, I have been given a correct figure. That HUD-Space Science figure is $483 million over last year, rather than the $600 million previously cited.

We went back down to the Appropriations Committee with an amendment, a modest amendment, in the amount of $43.3 million, to the HUD bill. It amounted to a cut of $18.8 million from NASA, $8.2 million from the National Science Foundation, and $16.3 million from HUD. Mind you this is in the light of an increase in the bill of $483 million.

On the first motion to cut the NASA budget, we were able to obtain the votes of five members. We were beaten 8 to 5. We had the distinguished Senator from Arizona (Mr. GOLDWATER) and the distinguished Senator from Utah (M. Moss) on space, which put us in a position of, frankly, not knowing in intimate detail what they wanted to say about space and supersonic materiel.

The same was the case on the National Science Foundation. That was defeated by a vote of 8 to 8. On the HUD appropriation, it was defeated again by a tie vote of 8 to 8.

The point I am making now in the closing few moments—because I would like to obtain the floor again when we get back on the major part of the bill to complete my thoughts—is that we tried the item-by-item way: We do not come with the meat ax. It is next to impossible to come before the Senator from Arizona and debate supersonic materiel and win the argument. It is next to impossible to come before the chairman of the Space Committee and argue space as a budgetary member on the Committee on Appropriations and win the argument. They are going to prevail on the particular item. But in trying to get a grasp on this monster of inflation, how are we ever going to do it except on a percentage cut?

I shall conclude for the moment, but I wish to speak again. The pending question is the 3 percent cut sponsored by the manager of the bill himself across the board in new budgetary authority.

I say to the Senator from Florida, that would cut $101 million. We are already below the budget estimates, and this 3 percent cut will cut us another $101 million, which will be substantially less than we would have effectuated if we had prevailed with our 5 percent cut to the public works bill yesterday.

I commend the Senator from West

Virginia on his leadership. If we can gain the support of other Senators on this particular procedure, we shall be giving a signal to the American people that we do not mean to go willynilly down the road in August, September, and October and give them only rhetoric, all the speeches, and TV appearances. We are in the catbird seat; we are in the Senate Chamber. Appropriations are being passed now and, under the leadership, particularly in this measure, of the Senator from West Virginia, we mean to bring fiscal responsibility back into this Congress and not wait until next year for the budget committee to get its appointments, get its assignments, get room space, hire consultants, hire experts, and hold hearings with the country in economic ruin.

Mr. CHILES. Will the Senator yield?

Mr. HOLLINGS. I yield back for the moment to the Senator from West Virginia.

Mr. ROBERT C. BYRD. How much time does the Senator need?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. CHILES. I wonder if the Senator from West Virginia would yield for a moment?

Mr. ROBERT C. BYRD. Mr. President, I yield 2 minutes to the distinguished Senator from Florida.

Mr. CHILES. Mr. President, I wish to join in complimenting the Senator from West Virginia on his amendment and the Senator from South Carolina, who, I know, is a cosponsor. I would certainly like to be a cosponsor of the amendment also.

I think some of us have been crying out to try to get someone to do it a better way than we know how to do it. We were talking about doing it, and I am just so happy to see the leadership now taking up this measure, because the leadership has talked about inflation. Of course, all of us have talked about it, but now, I think, if we can get the Senate on record as doing something about it, that is going to give the people more hope and more confidence than anything in the world that can take place in the Government right now.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Florida may be added as a cosponsor.

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

Mr. DOLE. Will the Senator yield?

Mr. ROBERT C. BYRD. I yield 1 minute or more to the Senator from Kansas.

Mr. DOLE. Mr. President, I commend the Senator from West Virginia and request I may be added as a cosponsor of the amendment, if there is no objection.

It is clear to the Senator from Kansas that there is growing recognition in the Senate that cuts must be made. No one in this body has more respect for the Appropriations Committee and its leadership than does the junior Senator from Kansas. But there is this sincere demand for cuts in the Federal spending from the people all over America. I believe that now with this effort by the leadership of the majority party, we can be assured of substantial cuts. This will demonstrate to the American people our concern in providing the leadership needed at this time. Cutting Federal spending is an obligation, not just of the executive but of the legislative branch of this Government.

If we are hoping for a $5 to $10 billion cut in Federal spending, this is certainly the time to start. Unfortunately, some of the bills have been passed, but perhaps between now and the time all the appropriations measures are considered, further substantial cuts can be made and we will indicate to the American people that Congress means what it says about spending, that individual members understand the importance of it. We are not scuttling the programs, just reducing the amount of expenditures on those programs at this time.

I appreciate being added as a cosponsor of the amendment.

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senator from Kansas (Mr. DOLE) may be added as a cosponsor of the amendment.

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

Mr. YOUNG. Mr. President, I am really pleased to see this economy move in the Senate. As late as last year, one Member could add as much as $300 million in amendments on the floor of the Senate. I think it augurs well for the future, but I am wondering if the same percentage cut is going to be applied to the District of Columbia, to HEW, and to all other appropriations bills that might——

Mr. HOLLINGS. Mr. President.

Mr. YOUNG. I shall be glad to yield to the Senator from South Carolina. He would not yield to me yesterday, but I shall yield to him now.

Mr. HOLLINGS. The idea is to be realistic and sensible about this matter, not to meat ax. The question is, as the Senator said, going over the District of Columbia budget, that was not only substantially below the estimates but below the outlays of 1974. So, if we can keep that kind of guideline, we are not going to need any percentage cuts.

We are trying to apply some kind of measure to bring it back down to end up somewhat in the vicinity of $10 million when we get through.

Mr. YOUNG. I think that it is the wrong procedure. I believe it would be better to use an item-by-item cut procedure. Both in the Appropriations Committee and on the floor of the Senate I voted to cut the same items that the Senator from South Carolina objects to now, but we lost. I think I will go along with the 3 percent if there is no other way. I think it may accomplish some good by stopping all these amendments to add hundreds of millions on the Senate floor as so often has been the case.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate may proceed for not to exceed an additional 10 minutes on the appropriation bill.

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

Mr. ROBERT C. BYRD. Mr. President, I yield myself 2 minutes on the bill.

Mr. President, the Subcommittee on Transportation went into each item carefully, conducted adequate hearings, and brought a bill to the floor, after its approval by the Appropriations Committee, which reduces the administration's budget request by $286 million in total.

I personally would never offer an amendment making an across-the-board cut in any other appropriation bill because I feel that when the chairman and the ranking member bring an appropriation bill to the floor they have the responsibility for the bill over which they have worked.

It has been their time and their effort that have gone into the molding and shaping of the bill. While any Senator has that right, to offer an amendment to make an across-the-board cut, I have never felt that was my responsibility on another chairman's bill. But this is the bill for which I have responsibility as chairman of the subcommittee. Therefore, I feel that I can, in good conscience, offer this amendment. I feel that we must begin to exercise reasonable restraint upon ourselves.

Middle-income families cannot send their children to college because of the increase in cost of education. Elderly citizens are eating dog food in many instances, according to news reports, because they cannot afford the spiraling costs that are concomitant to the rapid inflation that is not only affecting this country's economy, but also other economies throughout the world.

I therefore believe, Mr. President, that we who talk about economy are going to have to do something about it, and I believe that Congress has the responsibility to lead the way, inasmuch as, in this Senator's judgment, the executive branch is not pointing the way.

I believe that out of a total budget request of over $3 billion—and that is $3 for every minute since Jesus Christ was born—the Department of Transportation can absorb an additional reduction from the budget request of what would amount to something like $100 million.

I feel, Mr. President, not only that it is my right, as it is any Senator's right, but I think it is my responsibility and my duty, as chairman of this subcommittee, to offer this amendment, believing that if it is sustained in conference, it will not impair the Department of Transportation's programs, but that the Department will have ample funds remaining for its programs and its projects, all of which I am personally interested in, from the standpoint of their impact upon my own State.

Mr. DOLE. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. DOLE. I wanted to ask for the yeas and nays.

Mr. ROBERT C. BYRD. If the Senator will withhold that, I am going to ask for them after I have a chance to modify my amendment.

Mr. President, if I may now yield the floor, I would hope that the Senator from

Colorado, who has an amendment, could call it up at this time.

I ask unanimous consent that the pending amendment and the committee amendment, be laid aside temporarily, that the Senator from Colorado may offer his——

Mr. CASE. Reserving the right to object, I want to inquire whether there is still a half-hour in opposition to the Byrd amenment, if it still exists.

The ACTING PRESIDENT pro tempore. There is still 15 minutes remaining in opposition to the Byrd amendment. There are 30 seconds remaining for Mr. BYRD.

Mr. ROBERT C. BYRD. I ask that the time in opposition to the amendment be controlled by the Senator from New Jersey, even though he probably does not oppose it.

Mr. CASE. He just wants to talk.

Mr. HASKELL. Mr. President, I send to the desk a series of amendments. I ask unanimous consent that they be considered en bloc.

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

The assistant legislative clerk proceeded to read the amendments.

Mr. HASKELL. Mr. President, I ask that further reading of the amendments be dispensed with.

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

The amendments are as follows:

On page 18, lines 11 and 12, delete "$48,130,000" and insert in lieu thereof "$58,750,000".

On page 18, line 12 delete "$44,880,000" and insert in lieu thereof "$55,500,000".

On page 25, line 16, delete "$1,698,250,000" and insert in lieu thereof "$1,708,870,000".

Mr. HASKELL. Mr. President, the amendments I have sent to the desk are on behalf of myself and my distinguished colleague (Mr. DOMINICK).

What the amendments would do would be to add $10.6 million to the appropriations bill for the purpose of carrying out certain test work at a facility for mass transit to be located in the city of Broomfield, outside the city of Denver, Colo.

Mr. President, in fiscal 1973, $2.8 million was spent in developing technology. An estimated additional $2.8 million was spent in fiscal 1974 in developing the technology. These funds are to build a test system, a demonstration or pilot plant, if you wish, to see if this method of moving people by mass transit works.

I am told that foreign companies are engaged in the manufacture of this particular type of system. I know that six domestic companies have submitted bids for the test facility.

I would suggest Mr. President, that we would be pound foolish and penny-wise to throw the research and development money down the drain and not go forward with this test. Granted, it may not work, but hopefully it will.

I have discussed this amendment with the distinguished Senator from West Virginia, the floor manager of the bill. I understand my colleague has discussed this amendment with the distinguished Senator from New Jersey, the ranking minority member.

I would be glad to answer any questions.

Mr. DOMINICK. Mr. President, Senator HASKELL and I submit this amendment to restore the funds that were deleted for automated personal rapid transit—PRT—systems. We are asking that the $10,620,000 be restored so that the Department of Transportation can move ahead in the development of advanced transit technology for intermediate density cities.

During the last 10 years, U.S. industry has invested considerable technological resources and sizable sums of its own moneys to develop modern automated transit systems. This industry investment is considerably larger than that of the Federal Government. If industry is to continue its development of these systems it is critical that the Federal Government continue the PRT programs and that it provide sufficient funds to give the needed stimulus for private investment.

The Urban Mass Transportation Administration—UMTA—has requested these funds for phase II of the Broomfield, Colo., project during fiscal year 1975. Last year the funds for phase I were approved.

UMTA has issued a request for proposals for the first phase of the Broomfield project, and is presently evaluating six submissions. From these, three contractors will be asked to complete phase I studies for not less than $500,000 each. One of these three phase I contractors is then to be selected on a competitive basis to proceed with phase II, which involves final design, construction and testing of the selected system. Each of the contractors selected for phase I will have to supplement that $500,000 UMTA payment by at least as much funding from his own resources if he wants to compete effectively. The manufacturers who submitted proposals for phase I are apparently willing to commit substantial sums of their own funding to phase I if they believe that they have a good chance of being selected for the phase II design, construction and testing.

The Colorado Regional Transportation District—PRT—has under study the suitability of a PRT system following a public mandate that the potential of such a technology to meet the needs of all sectors of the population be examined carefully. It is my feeling that the Broomfield project could provide a unique opportunity for a combined public and private investment in the advancement of mass transit technology.

Energy shortages and stringent environmental regulations underline the importance of an increased national commitment to the development of modern public transit systems rather than reductions in the already modest appropriations for these purposes. The ever-increasing costs of operating bus systems also provide a powerful incentive for the Federal Government, at the same time it begins to provide operating support, to also move ahead with the further development of automated transit systems which can reduce operating costs substantially.

This is an opportunity for government and industry to join together in realistic and timely steps to provide well-planned and fully tested modern transit systems for our cities.

Mr. President, I strongly urge my colleagues to restore the $10,620,000 request for phase II of the high performance PRT project which is scheduled for construction near Broomfield, Colo.

Mr. ROBERT C. BYRD. Mr. President, I have discussed this amendment with the Senator from Colorado (Mr. HASKELL). I would be willing to take it to conference. I think there is merit in it.

If my distinguished colleague on the other side of the aisle (Mr. CASE) would address himself to it, and if he is willing to accept the amendment, I would also accept it.

Mr. CASE. Mr. President. the chairman has indicated correctly that we have discussed this matter, and we are willing jointly to take it to conference as it is jointly proposed by the Senator and his colleague from Colorado. Mr. DOMINICK also has spoken with us about the matter. It is deserving of going to conference.

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

Mr. HASKELL. I yield.

Mr. HOLLINGS. How much is in this proposal?

Mr. HASKELL. $10.6 million.

Mr. HOLLINGS. For what purpose?

Mr. HASKELL. For carrying out a test and demonstration facility on a method of moving people by mass transit.

I stress to the Senator from South Carolina that in the 2 years just passed, a total of $5.6 million has been spent in research and development.

I further point out to my colleague from South Carolina that this is a test facility. Unless this demonstraton test facility is built, we will have dumped the research and development money already expended.

I also point out to my colleague from South Carolina that European countries and manufacturers are moving in this direction; that already we have bids from domestic manufacturers to build this test facility. In view of the crying need for mass transit and new ways of moving people, it seems to me highly desirable that this measure be accepted.

Mr. HOLLINGS. Of course, I would defer to the manager of the bill, because he is leading the way to try to cut back. It seems that a test facility would be of a nature that could be withheld for a year, in light of the inflation, would it not? Would it really waste all the research and development? Could not the $10 million be withheld? These are the kinds of things that run the budget up millions upon millions.

Mr. HASKELL. I say to the Senator that anything can be deferred.

Mr. HOLLINGS. And in that spirit, does not the Senator think we should?

Mr. HASKELL. In this case, I think we would lose the momentum. I know that if we turn this down in Congress, manufacturers in this country are going to lose interest completely. It is going to be a signal from Congress that we are

not interested in this particular thing. Companies in West Europe will continue; and if this system comes to fruition, we are going to find ourselves in this country buying the equipment from foreign countries, which I do not think is a desired result.

Mr. HOLLINGS. If the Senator will yield further, the idea is not that we are disinterested; but there is an overall, overriding interest in trying to arrest this mammoth monstrosity, inflation.

I do not want to be picayune or belabor the point. I am sorry that I cannot support the proposal, because I think this is the kind of thing that can be withheld—not as a signal that we are disinterested, but because of and in the light of inflation as we see it.

Mr. HASKELL. I concur with the Senator from South Carolina as to the need to curb expenditures, and I intend to support fully the amendment proposed by the distinguished Senator from West Virginia. But the Senator from South Carolina, himself, said that we must pick and choose. With the crying need for mass transit and the urgency of the problem, in the light of many things, particularly the energy crisis, environmental considerations, and the like, as I said earlier, I think we would be penny-wise and pound foolish to defer this.

Mr. ROBERT C. BYRD. Mr. President, is the distinguished Senator from New Jersey willing to accept the amendment?

Mr. CASE. Mr. President, the opinion of the Senator from New Jersey, in discussion with his colleague, the Senator from Alaska, is that this matter should go to conference. In that, he is supported, as I said earlier, by the Senator from Colorado (Mr. DOMINICK), the colleague of the sponsor of the amendment.

Mr. HASKELL. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER (Mr. HUGHES). Do Senators yield back their time?

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

Mr. HASKELL. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

The PRESIDING OFFICER. The Senate will now resume consideration of S. 3641.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate temporarily lay that measure aside for an additional 2 minutes and that the Senate return to the consideration of the transportation appropriation bill.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the names of my distinguished colleagues, Senator RANDOLPH; the distinguished Senator from Oklahoma (Mr. BARTLETT); the distinguished Senator from Georgia (Mr. NUNN); the distinguished senior Senator from New Mexico (Mr. MONTOYA); the distinguished Senator from Kentucky (Mr. HUDDLESTON); the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.); and the distinguished Senator from New Mexico (Mr. DOMENICI) be added as cosponsors of my amendment.

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

Mr. ROBERT C. BYRD. Mr. President, I now modify my amendment by striking the figure "3 percent" and inserting in lieu thereof the figure "3.5 percent."

The PRESIDING OFFICER. The amendment is so modified.

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

Mr. ROBERT C. BYRD. I will yield in a moment.

I just wish to state that I do this because the Senate has just accepted two amendments from the floor, adding $1.6 million, on an amendment by the Senator from Maryland (Mr. MATHIAS), and $10,620,000, on an amendment by the Senator from Colorado (Mr. HASKELL). In other words, the Senate, by its action, has just added a total, by way of these two amendments, of $12,220,000.

The additional one-half percent cut, by which I have modified my amendment, will more than absorb the amount which has just been added by the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for an additional minute.

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

Mr. ROBERT C. BYRD. As the manager of the bill, I have accepted, and the Senate has adopted, two amendments adding $12,220,000 to the bill. If we are going to continue to offer amendments on the floor and adopt them, then I think the percentage across the board should take into consideration that fact. So my modification will more than do that.

Mr. HOLLINGS. Mr. President, I add the fact that we do not have the Coast Guard authorization that passed the Senate. The committee reported some $17 million in authorization in the present bill—and I speak now to my distinguished colleague, the Senator from West Virginia, the manager of the bill—$15 million for jet aircraft. I have always questioned the use of jet aircraft by the Coast Guard, particularly after I saw it in New Delhi, India, with the Secretary. I wondered how far our coast really extended, with respect to the continental United States. I say that affectionately with respect to former Secretary Volpe. I served with him as a fellow governor. The idea is that not many coasts can be guarded with jet aircraft.

With respect to adding some $15 million for jet aircraft, perhaps the manager of the bill would also try to pare down that difference in a markup, as we will try to cut that authorization.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate may delay for 1 additional minute the return to the consideration of the measure which is being handled by Mr. MONTOYA.

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

Mr. ROBERT C. BYRD. Mr. President, the total amount represented by my amendment now would be a reduction of $119,078,225, and that takes into consideration the additions of the two amendments accepted on the floor already today.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, each day we are reminded—grimly reminded—of the economic bind into which inflation has thrown millions of Americans. Citizens watch helplessly as their savings fall short by 4, 5, or 6 percent from keeping pace with inflation. For countless numbers of middle-income wages earners, the result is that the dream of a college education for their children has all but vanished.

The situation is even worse for fixed-income Americans. These citizens—older persons, mostly—have been forced to eat dog food, according to newspaper accounts, because their incomes have not increased, while the price of food has skyrocketed.

As the elected Representatives of the people, we have a very serious responsibility to control inflation; and, in this regard, I feel the Senate has compiled an admirable record. Over the past 5 years, the Senate has reduced the President's appropriations budget request by $23 billion. Obviously, that effort must continue.

Thus, I have proposed this amendment that would result in an across-the-board reduction of 3.5 percent in the Department of Transportation Appropriations bill. The dollar savings of the percentage cut would amount to $119,078,225.

The Senate Appropriations Subcommittee on Transportation, which I chair, went into each item in the Department budget request in considerable detail. And after hearings on the various requests, we reduced the budget authority by $154,988,552 below what the President had asked for. I would like to commend my colleagues on the subcommittee for their diligence in scrutinizing the President's budget requests for the Department of Transportation, and for the responsibility they showed in helping me to cut it by $155 million.

Beyond that substantial reduction, however, I believe that, in view of the spiraling inflation currently jeopardizing the standards of living of all Americans, the Department of Transportation can absorb a further cut. The additional reduction of 3.5 percent, or $119,078,225, could serve as an example to other Federal departments and agencies to tighten their belts—or the Senate will tighten them. And it will show the people of the United States—the people we serve—that the Senate recognizes that it has no more important responsibility than controlling the inflation that poses so grave a threat to their economic well-being.

I am pleased that many of my colleagues have asked to cosponsor my amendment. I welcome their support.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, I promised the Senator from Alaska (Mr.

STEVENS) that I would first yield to him. I ask unanimous consent that we remain on the appropriations bill 3 minutes, 2 minutes of which I yield to the Senator from Alaska, a member of my subcommittee, and 1 minute to the Senator from Virginia.

Mr. NUNN. Mr. President, I wanted some time on this measure.

Mr. ROBERT C. BYRD. There will be more time on the measure, I say to my good friend from Georgia. We do have an obligation first to return to the measure that is being managed by Mr. MONTOYA.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, my good friend from West Virginia knows that I have great regard for him as chairman of the committee. He worked quite hard on this bill.

I would like to ask, as I read the amendment now offered by the Senator from West Virginia, he seeks to reduce the subcommittee bill by 3½ percent, or reduce the budget estimate by 3½ percent, which is it?

I would think we would get credit for the fact that we pared down this amount by $154,988,000, and that people are trying to seek to cut from the budget one thing, but can we not get credit for those things we have already forgone?

Mr. ROBERT C. BYRD. The 3½ percent would apply to the amount in the bill.

Mr. STEVENS. A reduction from the amount already——

Mr. ROBERT C. BYRD. A reduction from the amount of budget authority reported to the floor.

Mr. STEVENS. I hope my good friend will not mind if I take him on on this later. I feel strongly that you cannot build a bridge 3½ percent short of getting to the other side. I am one who does not believe the current penchant for cutting the budget will have anything to do with inflation. It is the interest rate that is destroying this country, not the fact that we are trying to meet the needs of the country.

I am sure my good friend knows we are seeking to express what we are trying to do.

The President, I am told, does not have one clout, but he makes a 15-minute speech and everyone is running to the Hill to cut the budget. For 3 years we have given the President millions and millions of dollars more than he wanted and now we are going to cut——

The PRESIDING OFFICER. The Senator from Virginia is recognized for 1 minute.

Mr. HARRY F. BYRD, JR. Mr. President, I applaud and salute the Senator from West Virginia for taking the initiative to recommend a reduction of 3½ percent in the appropriations bill brought in by him on behalf of the Appropriations Committee.

It is the first time that has ever been done in recent years in the Senate. I think it is a hopeful sign, I think it will be very helpful as other appropriation bills are considered.

I support his proposal and I commend the able Senator from West Virginia and I salute him.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator from Virginia.

AMENDMENT OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

The PRESIDING OFFICER. The Senate will now resume the consideration of S. 3641, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3641) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a three-year period, and for other purposes.

Mr. McCLURE. Mr. President, I am glad to join with the chairman of the subcommittee in calling up S. 3641, the bill extending the Public Works and Economic Development Act and authorizing a new economic adjustment program.

I would like to acknowledge the time Senator MONTOYA has given this legislation and his efforts to write a constructive transition bill. I pay tribute also to the chairman of the full committee, Senator RANDOLPH, for his leadership in this field since 1965 and before, and the interest and work of Senator BAKER, our ranking minority member of the full committee, and that of all members of the committee.

The bill represents the cooperative effort of the majority and minority members of our committee, together with the administration, to secure a workable transition of EDA activities. I believe there is general agreement that some extension is necessary until the Congress, working with the Department of Commerce and the executive branch, can write a realistic follow-on program.

Earlier this year I was joined by several members of the committee in introducing the administration's bill, S. 3041, recommending a 1-year extension of existing EDA programs while phasing in a new alternative economic adjustment program.

During the past several months, Agency officials have met with the committee staff to discuss existing programs and directions for future legislation. I hope this dialog will continue in the year ahead as the committee continues consideration of this legislation.

In its proposal and subsequent testimony before the committee, the administration recommended more flexibility and a greater role and responsibility for the States in these programs. I commend Senator MONTOYA for including these as part of the bill he introduced on June 13, and I am pleased the committee bill proposes new initiatives in this direction.

Section 302 of the committee bill authorizes a new planning program to assist States in undertaking overall State economic development planning. Existing EDA planning activities have focused on the local level and the multicounty economic development districts. The provision of State planning funds is an important addition to existing planning activities and I am certain many States will take advantage of the program to increase their capability to address overall development needs of the State.

The bill, which also includes planning assistance for cities and sub-State planning and development organizations, provides for coordination of the planning undertaken by these various levels. The States, I believe, are going to have to be involved in a much more important way in planning and coordination if we intend to make this a more comprehensive program.

In addition to planning funds, title III authorizes grants which the States may use to fund projects on a "first dollar" basis, or to supplement economic development projects under titles I, II, and IV of the act. As introduced, S. 3641 authorizes grants for the States to supplement projects approved by EDA under title I of the act, the public works grant program. The committee strengthened this provision, giving the States more flexibility in the use of the funds.

Inclusion of these two significant provisions is a step toward bringing the States more meaningfully into the economic development activities assisted under this act and will improve our economic development efforts.

Title IX of the bill recommends a version of the administration's economic adjustment program to assist States and communities experiencing, or about to experience, economic dislocations due to severe economic changes, particularly those created by Federal actions, such as base closings. The adjustment program is to permit a quick, flexible response in these areas before, rather than after, the dislocation becomes so severe that the area suffers high levels of unemployment, falling incomes, and the effects of a depressed economy.

In order to best meet the particular adjustment needs of an area, the title authorizes a wide range of programs—including public facilities where needed, incentives to the private sector to stimulate alternative or expanded employment opportunities, and worker retraining and relocation. The transition period will provide the committee experience with this new concept and an opportunity to study the feasibility of this approach.

As pointed out in the supplemental views which I filed with Senator BAKER, and which appear on page 31 of the committee report, there are three points in the bill which I believe endanger continuation of the EDA programs and which I cannot support. These three provisions are the mandatory unemployment compensation program in title IX, the 25 percent required spending for the public works impact program, and the 2-year term of the extension. In a letter dated July 19, the administration clearly stated its opposition to these three provisions of the Senate bill and indicated it would veto legislation if these sections remained part of the bill.

In committee I offered amendments to correct each of these items, and I am pleased that the Senate has today adopted my amendments.

Mr. McCLURE. Mr. President, the senior Senator from Ohio (Mr. TAFT) has today been in touch with us, expressing his concern that cities will share equitably in the 302 planning funds and in the title IX grants. I ask unanimous

consent that a statement prepared by Senator TAFT be included in the RECORD at this point.

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

STATEMENT OF SENATOR TAFT

I have been concerned that in including States as eligible recipients for planning and program grants for the first time, the States might absorb all or most of the funds in the program.

Cities are also eligible for direct grants, as are sub-state planning and development organizations and economic development districts. I recognize that in some cases the State level may be the most appropriate one to receive funding. However, I also recognize that some of the most serious need for jobs and the most serious economic problems are in the cities. The problems of the industrial centers will not wait while we educate the states to problems the cities have been living with for years. I am acutely aware that many cities have long dealt with the problems caused by dwindling economic development, lack of diversification in industry and marginal industry shutdowns causing massive unemployment. In our efforts to strengthen our economy by mounting a program to rebuild our industrial cities, we must invite into this effort the communities that are the industrial centers.

The State of Ohio's performance on funding municipal sewage projects in which Ohio was the last State in the union to have a priority list approved has given me serious reservations about putting an inexperienced State agency between the Federal Government and the cities.

It is my understanding that although this bill (S. 3641, The Public Works and Economic Development Act Amendments of 1974) does not restrict money for State applicants by percentage, the ratio of State funding to all Federal funding under the Title III planning grants will be upheld, even if the full authorization is not appropriated.

In addition, I understand that under Title IX of the bill, the Committee rejected a plan to make block grants to the States, thereby insuring that States are not to act as pass-through agents for local assistance.

Mr. MONTOYA. Mr. President, I have read the statement of the Senator from Ohio (Mr. TAFT), and I understand his concern. The amendments to title III provide new funding and direction for economic development planning by States and by cities, counties, and development districts. While the bill provides that up to $15,000,000 of the total $75,000,000 authorized for planning may be used to assist States, it is the intention of the committee that whatever funds are actually appropriated under this authorization be allocated between assistance to States and assistance to other levels of government, in a manner which reflects the proportions contained in the authorization.

The committee feels strongly that State economic development planning should be encouraged and supported with significant appropriations under this new authority. Funds must be made available, however, to support economic development planning efforts of cities and other units of local governments. The committee does not intend and will not countenance any attempt to shift all these new economic development planning funds to the States.

Mr. McCLURE. Mr. President, I agree. The committee is aware of the possibility raised by the Senator from Ohio (Mr. TAFT), that the States conceivably could absorb all or most of the appropriated funds under these two provisions, leaving little support for local planning and programs.

The title IX adjustment program, as first proposed by the administration, was a block grant to the State for adjustment activities. The committee did not support the block grant approach, and in section 903 of the bill explicitly authorizes the Secretary to make grants directly to any eligible recipients in an area experiencing an adjustment problem.

Except for the unemployment compensation payments—which the committee believes should be administered through the existing unemployment insurance system to avoid duplicative and costly administration—grants made under this title shall be made to "any appropriate eligible recipient capable of carrying out such purpose."

On page 13 of its report, the committee makes clear its intent that States are not to be the sole recipient of grant funds under the title IX. The report language reads:

In the Administration's adjustment proposal earlier this year (S. 3041), a regional administrator was to be appointed by the President to approve adjustment plans submitted by the States, which would receive block grants for adjustment purposes. The Committee rejected that arrangement as did the House. States may be applicants but are not intended as a pass-through for local assistance. Unemployment compensation, of course, is properly a State function, but other means of assistance in adjustment situations may more properly be provided to or through local units of government.

Our chief concern is that adjustment programs be planned and carried out at the most appropriate levels.

The two sections discussed by Senator TAFT are new programs, and I am sure the committee will carefully follow their implementation. We appreciate having the benefits of Senator TAFT's judgment on this matter, giving us an opportunity to make clear our intention. He is a thoughtful and careful legislative workman.

Mr. President, the ranking minority member of the Committee on Public Works is necessarily absent today, but has devoted keen interest and attention to this legislation. I ask unanimous consent that Senator BAKER's statement be included in the RECORD at this point.

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

STATEMENT OF SENATOR HOWARD H. BAKER, JR.

Since 1965 and before, the Senate Committee on Public Works has taken initiatives in, and pursued the continuing development of, federal assistance to distressed areas, regional planning within states and between states for economic development, and the establishment of structures for more effective cooperation between levels of government and different agencies of government. The Chairman of this Committee, Senator Randolph of West Virginia, has long made this subject one of his chief interests. It has been a privilege for me to work with him in recent years.

I am very glad that our Committee has brought forward, and is today recommending to the Senate, an extension of the Public Works and Economic Development Act of 1965. Credit is due the chairman of the Economic Development subcommittee (Mr. Montoya), and also in large degree to its ranking minority member Senator Jim McClure, who has applied himself to the difficult practical problems presented with his usual competence, diligence, and responsible attention to vital detail.

I want to mention also the spirit of cooperation which has sustained our work with representatives of the Executive Branch which must administer this program, and who have the wisdom gained from practical experience and the exercise of responsibility. Senator McClure and I were pleased, as I know were the Chairmen of the full Committee and Subcommittee, with our conferences earlier this year—directed toward making the best use of the EDA and Title V authorities, towards joining in an effort to improve these programs, and toward achieving a better working relationship in the execution of the all-too-numerous programs and agencies, planning and implementing bodies. I hope very much that the three remaining obstacles to full Administration support for this measure will be removed by the Senate today, so that these useful programs may continue without interruption.

Mr. President, the Public Works and Economic Development Act of 1965 which the bill before us today modifies and extends, like the Appalachian Development Act which preceded it, was directed to the needs of areas of this country that were left behind during our natural growth—for the benefit of families and communities less fortunately situated in the stream of what we are pleased to call progress. They deserved our attention then, and they are entitled to it today and tomorrow.

I make this point because I am somewhat concerned that our national objectives and goals may become obscured or shift too swiftly with the changing moods and tempers of the times. As new challenges arise—energy, environment, inflation, international interdependence—we must relate them to the existing and continuing problems which they may affect, but which they do not supplant.

We still have distressed areas in this country. We still have problems of poverty. We still have challenges of equity. The basic needs of all for education, health, a decent livelihood, hope for the future, and trust in the present functioning of our system—all remain. I hope very much that this measure, although a modest step, will become a useful part of our total effort toward a standard of living and the quality of life we seek for all.

Much remains to be done. I do not contend that the provisions of this bill alone provide any large advance or spectacular new solution to the problems of low income and high unemployment. In fact, I notice that the trend for several years has been to broaden the scope of legislative authority, but to restrict the funds available to implement those authorities. Assuredly, this is a time for greater care in the commitment of funds—public and private. It is a time for selectivity, and for the determination of sound priorities; our development objectives should be directed towards the best use of our resources—material and human. I believe there is some risk of dissipating our efforts over too broad a field, and thereby losing the advantage of a focused and sustained effort.

I hope that the future work of our Committee and others will also address this broader outlook. For if our legislative purposes are broad in scope and scale, the programs must be adequately funded to be effective. Similarly, if we find it necessary—as I believe we will—to hold down levels of public spending, we must take in hand the

consequent responsibility of more precisely defining our immediate objectives.

I look forward to continuing my interest in this field. While these remarks may be somewhat theoretical and philosophical, I know from experience the practical and direct benefits which have flowed to people and communities in my own state of Tennessee, and other states, from EDA projects, from the related efforts which these projects have stimulated, and from the cooperative organization and leadership which they have encouraged.

I support the Committee bill as amended, and urge its adoption by the Senate.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

The bill was read the third time.

Mr. MONTOYA. I ask unanimous consent that the Committee on Public Works be discharged from further consideration of H.R. 14883 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 14883) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a two-year period, and for other purposes.

Mr. MONTOYA. Mr. President, I now move to strike all after the enacting clause of H.R. 14883 and that the full text of the Senate bill, S. 3641, as amended, be inserted in lieu thereof.

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

Mr. GRIFFIN. Mr. President, I want to commend and thank the distinguished Senator from New Mexico, the manager of the bill, and also the Senator from Idaho who is handling it on our side, for their cooperation with me and with the Senator from Ohio (Mr. TAFT) who had an interest in the bill which was unknown to them and which was unknown to me until the last moment.

I understand that the matter that he was interested in has been discussed and he is satisfied, and I will indicate that for the RECORD at this point.

I am glad that the bill is proceeding to passage.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

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

The bill (H.R. 14883) was read the third time, and passed.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the Senate postpone action on S. 3641 indefinitely.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

Mr. MONTOYA. Mr. President, I now move to reconsider the vote by which the bill was passed.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

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

The motion was agreed to.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senate now return to the consideration of the transportation bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 15405) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1975, and for other purposes.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey has 15 minutes remaining on the pending matter.

Mr. CASE. Mr. President, as I think we all understand, this initiative on the part of the chairman presented itself only this morning. The first we had heard about this proposed cut was this morning.

I think it is a fine gesture and I do not expect to oppose it, but I would like to discuss it with the chairman a bit because there are some things in here that are quite troublesome.

For instance, Amtrak. It is my understanding that the House cut Amtrak from $143 to $125 million before the whole budget was stricken on a point of order. I understand if Amtrak is cut another $4.3 million under the Byrd amendment, it will end up around $130 million, which may not be enough to get through until the supplemental.

It looks as though the Amtrak deficit may go to $200 million this year.

I wonder whether, because of the importance of Amtrak, we might not except the Amtrak appropriation from the Byrd amendment.

I know that to make any exception of this sort may begin a nibbling away process which will destroy the whole purpose that the Senator from West Virginia seeks to accomplish.

I wish we might discuss that a little bit because the Senator from Alaska and I went through this bill very carefully. I think it is just a question of what we want to do here.

If the figure to be cut was an overall figure and could be allocated between agencies by means of transfer authority or other power, that would be one thing. We would like to get the Senator's view as to where we are going to be on some of these very important projects and programs that perhaps ought not to be cut at all.

Mr. ROBERT C. BYRD. Mr. President, I think the distinguished Senator from New Jersey has raised a pertinent question.

Amtrak operates in my State, and I am as interested in this Amtrak appropriation as I am interested in any other item of the bill. As a matter of fact, I am more interested in that item than in many of the other items of the bill from the standpoint of its effect on my own State and the constituents whom I represent.

However, I fear that if we start making exceptions here, as the distinguished Senator from New Jersey has recognized, we will have difficulty in drawing the line anywhere, because there are other items of particular interest to various Senators, and if we were to make an exception in this one instance, I think we would be opening a Pandora's box.

I would hope we could take this to conference with a clean-cut reduction. There is, in all probability, some areas of the DOT's budget which have some fat in them, while there may be other areas which are operating at pretty close to a bare-bones budget. I would imagine that could be the case. But in the conference with the House of Representatives, I think we could discuss this matter again, and if it be the collective judgment of the conference, certain adjustments could be made. In the meantime, I think we would have an opportunity to contact the Department of Transportation and find out again where it could best accept this kind of reduction, and we could go to the conference with that additional information in mind.

I hope that the distinguished Senator will accept that as a reasonable way of approach, and that he will not press now for an exception.

Mr. CASE. I do accept it. I support the purpose of this amendment and the objective it is presented to accomplish. I am reassured by the Senator's assurance that we may deal with individual items that require full funding in the conference.

Mr. ROBERT C. BYRD. That would be within the province of the conference.

Mr. CASE. I do not mean that there is any assurance on any particular item, but that this is a possibility. In fact, we intend to do just that, because, as the Senator from Alaska earlier said very cogently, you cannot build 95 percent of a bridge, you have to build the bridge all the way. Or, as they used to say in the old days—the Senator from West Virginia is too young to remember this—"You cannot make two jumps from a ferryboat to the shore."

In other words, you have to have all you need to have for certain projects, or you do not have any project at all; and we must be sure that this is done.

Here is one of the many technical questions that it is very difficult to deal with on the floor. It is pointed out with respect to Amtrak that the House deferred action and had nothing in the bill and that we would put $138 million in after this cut; however, if this cut goes through, will we be limited to dealing on the basis of zero to $138 million rather than the $143 million in the committee report? Will there be no chance for funding that particular item at any amount more than what we finally put in the bill?

Mr. ROBERT C. BYRD. In my judgment, the conference would be limited to the two extremes, between the measure as passed by the House and the measure as ultimately passed by the Senate. But this will only be a reduction of a little more than $4 million or $5 million in the Amtrak budget, and if they cannot live with that, there will be a supplemental appropriation bill coming along later, and the committee, I am sure, would be reasonable and would

listen to such request as may be made by the appropriate authority.

Mr. CASE. Mr. President, we are dealing here in an area in which symbols have probably as much importance as facts. Generally I would say this is not the way to do it, but it is particularly desirable for us in Congress to evidence a concern about inflation.

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

Mr. CASE. I shall be happy to yield in a moment. I hope we do not get into this kind of a mare's nest, or whatever may be the proper word, on other occasions, because that is just not the right way to do this thing.

Mr. GRIFFIN. Will the Senator yield to me?

Mr. CASE. I am happy to yield.

Mr. GRIFFIN. I understand the time is controlled. May I ask how much time remains under the control of the distinguished ranking minority member?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. CASE. I have 6 minutes in opposition? I think that is all the time on the bill; I believe time on the amendment has been exhausted.

The PRESIDING OFFICER. There is time remaining on the bill. The Senator has 6 minutes remaining on the amendment.

Mr. CASE. I yield the Senator such time as he may require.

Mr. GRIFFIN. I thank the Senator for yielding. I want to join him in registering concern about the way this amendment is presented.

I am very concerned about what a meat-ax, across-the-board cut can do in some areas of Government affected by this appropriations bill.

For example, in the Great Lakes area the Coast Guard is very important. In my view, the Coast Guard, year after year, has been underfunded to carry out its important safety missions. I am disturbed and concerned to note that the committee has already cut below the administration's budget request for the Coast Guard.

Mr. CASE. Mr. President, I did not want to interrupt the Senator from Michigan because he was making a point that was required to be developed as an entirety.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. CASE. Mr. President, I yield myself 5 minutes on the bill.

I want to make this point. I agree with his comments on the amendment. Although I think I shall vote for it on the balance of symbolic values and meaning, I do not think I should let rest his suggestion that the committee, in its work in bringing the bill to the floor, cut safety measures in any way improperly.

I think we did the right thing. Although in many cases these are figures which are less than the budget requests, I think in all cases relating to safety measures they are higher than the House figure, and represent all the restoration requested by the administrative agencies.

As to whether the additional cuts to be made as a result of the Byrd amendment will cut into the bone and muscle of these programs, that is another question and one properly raised.

Mr. GRIFFIN. I see the Senator from Alaska (Mr. STEVENS) on his feet, and I have some appreciation for the importance of the Coast Guard to his area. Perhaps he might wish to comment on what I have said.

Mr. CASE. Mr. President, if I may just explain the time situation. I have used all the time in opposition to the amendment. I have yielded myself 5 minutes for this purpose, and I yield myself such additional time as necessary to yield to the Senator from Alaska.

Mr. STEVENS. I thank the Senator from New Jersey.

In response to the Senator from Michigan, it is true that this budget is still $2.5 million below the budget estimate for 1975 for the Coast Guard. We have restored the sum of the money that was asked for, $300,000 and 18 positions for the New York area, and $230,000 for the air patrol for oil pollution.

I have the same opinion the Senator does: It is a very underfunded agency.

The air rescue, the sea rescue are the midwives in the Aleutian Islands. These people spend a great deal of time saving lives and delivering lives in my area, and I have always felt they were underfunded.

But I would point out to my friend from New Jersey and the Senator from West Virginia I intend to oppose this cut. I have spoken in the Appropriations Committee and I intend to continue to speak. I cannot understand the penchant suddenly for taking money out of the budget estimates. We have fought against cases of withholding now for 5 years. Finally, all of the money has been released, everything has been released that has been committed, it has been redistributed in these bills, and now the people who would have expected that money to come and be involved in the process of goverment find it is not going to be spent at all, and because of one speech that the President made everybody on both sides of Congress apparently seems to be worried that they are going to be accused of being big spenders.

We have tried to keep this bill to the point where it meets actual needs. I do not think there is any fat left in the Coast Guard budget. There is no fat left in the safety budget, I know that. We even cut out the railway crossings because we felt they should carry over until next year.

But if you look at these budgets they are not fat, they are not the budgets of 5 or 6 years ago when we knew some money was going to be impounded so we put in there more than was necessary. These are all trimmed budgets. They are below the 1975 estimates, and I cannot understand the concept of cutting the budget at this time.

I have great respect for the Senator from West Virginia. From a tactical point of view I know what he is going to do, and I intend to oppose it, at least with my vote, with the concept of cutting the budget, because we have items in there that are right down to the dollar as far as purchases.

You cannot face an inflationary period—inflation in my State is 17.5 percent in the last year. These estimates were based on the dollar figure of a year ago, so in any event, this is going to be 17 percent off in Alaska. I come from an area where there is hope and where people are expanding. We are putting in a $4.5 billion private project, and we are supposed to cut back the Government services in the pollution field, in the fish and wildlife area, anything else, 3½ percent across the board. It makes no sense at all.

I see my good friend from South Carolina here. He and I are very close but, at the same time, we are very much in disagreement about this. This is utter nonsense not to meet the needs of the people at a time when they expect us to deliver the money that is necessary to meet those needs.

It will cost twice as much next year or 2 years from now to do the things we need to do, and I would like to see anyone use that one bridge that misses a 100-foot span by 3½ feet.

Mr. ROBERT C. BYRD. Mr. President, when that bridge misses that span I would like for the Senator to let me know about it.

Mr. STEVENS. I will be holding on to both sides. My 3½ feet are just about spread.

Mr. ROBERT C. BYRD. Mr. President, I yield from the time on the bill. How much time does the Senator want?

Mr. HOLLINGS. Let me complete some thoughts, about 10 minutes.

Mr. ROBERT. C. BYRD. How much time do I have left?

The PRESIDING OFFICER. Thirty minutes.

Mr. ROBERT C. BYRD. I yield 10 minutes to the Senator from South Carolina.

How much time does the Senator from Maine want?

Mr. MUSKIE. I wanted to put some questions—5 or 10 minutes, depending on the length of the answers.

Mr. RANDOLPH. I would like about 2 minutes.

Mr. HOLLINGS. I will try to cut it short.

Mr. ROBERT C. BYRD. I will try to yield to each of the Senators who are standing.

Mr. HOLLINGS. Mr. President, my distinguished colleagues, both from Michigan and the Senator from Alaska, I have got misgivings about this Coast Guard budget, may I say to the Senator from Alaska. The only trouble is they do not ask for what they need. Where do you get $15 million in this budget for jet aircraft to look at the coast? The supersonic witnesses we had to hear yesterday on the space budget, where we tried to save just a few million dollars, were all attesting to the fact of economy, but a jet aircraft has to get up to a height, and we have got to be almost out of sight of land for the operation of a jet aircraft to be economical; you have got to get to a speed of over 500 miles an hour. How are you going to guard the coast flying around the world in that way, and

that is the kind of things they have been asking for in the Coast Guard now.

I agree we should have a sound and strong budget, but we are going to have to suffer just a little 3 percent decrease on jet aircraft, and some of these peripheral niceties of the Coast Guard which they have put in as a result of being in the Department of Transportation.

Mr. STEVENS. Mr. President, will my friend yield?

Mr. HOLLINGS. They like the Filipino mess; they like the Coast Guard jet aircraft to run all around the world in, and they have no idea of guarding the coast. You and I are going to have an in-depth study on that group.

Mr. STEVENS. Will my friend yield?

Mr. HOLLINGS. Yes, I yield.

Mr. STEVENS. We have made an in-depth study, you and I have, of the need for enforcing the 200-mile limit, which we hope to get this year. The only way of enforcing that in terms of the zone that is going to be extended from 12 miles out to 200 miles is by jet. With the same number of people, we can cover them with radar and know where these foreign vessels are.

Those jets are absolutely essential to enforcing the 200-mile limit. They are equipped already with the best radar, with the best printout for identification that they can have in terms of all-weather conditions. Without those jets, we shall not be able to enforce the 200-mile limit. Those jets are absolutely essential to the Coast Guard.

Mr. NUNN. Mr. President, will the Senator from South Carolina yield for a question on that point?

Mr. HOLLINGS. Yes, I yield.

Mr. NUNN. As I read the summary of the transportation appropriation bill, the fiscal 1974 Coast Guard budget figure was $795,248,000. The budget for the fiscal year 1975, which we are talking about now, is $897,722,000. We have increased the budget over last year by $100 million. At the same time, it just so happens that we decreased the President's inflationary budget for fiscal year 1975 with its $11 billion total deficit, by $10 million on the Coast Guard.

I do not know what these charges about decreasing the Coast Guard budget are based on. Their budget has increased tremendously over 1974.

Mr. HOLLINGS. The distinguished Senator from Georgia is so right, Mr. President. He puts his finger right on it.

Let me get to the point of trying to treat this budget in its entirety, because we have yet, as a budget committee, to meet, and we are constantly being besieged with the idea that this is meat-ax, as the Senator from New Jersey still calls it, even though he and others joined back in December of 1967 on the 2-percent cut for personnel and a 10-percent cut of controllables.

We are not trying to meat ax; we are deliberately going before the Committee on Appropriations. We are losing the votes on the little items, because the little items get the majority vote. Yet cumulatively, somehow we have to bring this monster, inflation, down to our size so that we can handle it.

Some of us within the budget committee hope to bring order out of chaos. To this end, when we have a looksee, we have a 3.5-percent cut here, maybe we can prevail; maybe a 2-percent on another will prevail. We think perhaps the District budget is in line. We are still going to try.

Then we are going to look at the big picture. We hope that we will consider something on the order of the joint resolution, Public Law 90–218, which I ask unanimous consent to have printed in the RECORD at this point.

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

PUBLIC LAW 90–218, 90TH CONGRESS, H.J. RES. 888, DECEMBER 18, 1967

Joint resolution making continuing appropriations for the fiscal year 1968, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution of October 5, 1967 (Public Law 90–102) is hereby amended by striking out "October 23, 1967" and inserting in lieu thereof "December 20, 1967".

TITLE II—REDUCTIONS IN OBLIGATIONS AND EXPENDITURES

SEC. 201. In view of developments which constitute a threat to the economy with resulting inflation, the Congress hereby finds and determines that, taking into account action on appropriation bills to date, Federal obligations and expenditures in controllable programs for the fiscal year 1968 should be reduced by no less than $9 billion and $4 billion, respectively, below the President's budget requests. The limitations hereafter required are necessary for that purpose.

SEC. 202. (a) During the fiscal year 1968, no department or agency of the Executive Branch of the Government shall incur obligations in excess of the lesser of—

(1) the aggregate amount available to each such department or agency as obligational authority in the fiscal year 1968 through appropriation acts or other laws, or

(2) an amount determined by reducing the aggregate budget estimate of obligations for such department or agency in the fiscal year 1968 by—

(i) 2 percent of the amount included in such estimate for personnel compensation and benefits, plus

(ii) 10 percent of the amount included in such estimate for objects other than personnel compensation and benefits.

(b) As used in this section, the terms "obligational authority" and "budget estimate of obligations" include authority derived from, and estimates of reservations to be made and obligations to be incurred pursuant to, appropriations and authority to enter into contracts in advance of appropriations.

(c) The references in this section to budget estimates of obligations are to such estimates as contained in the Budget Appendix for the fiscal year 1968 (House Document No. 16, 90th Congress, 1st Session), as amended during the first session of the 90th Congress.

SEC. 203. (a) This title shall not apply to obligations for (1) permanent appropriations, (2) trust funds, (3) items included under the heading "relatively uncontrollable" in the table appearing on page 14 of the Budget for the fiscal year 1968 (House Document No. 15, Part 1, 90th Congress, 1st Session), and other items required by law in the fiscal year 1968, or (4) programs, projects, or purposes, not exceeding $300,000,000 in the aggregate, determined by the President to be vital to the national interest or security, except that no program, project, or purpose shall be funded in excess of amounts approved therefor by Congress.

(b) This title shall not be so applied as to require a reduction in obligations for national defense exceeding 10 percent of the new obligational authority (excluding special Vietnam costs) requested in the Budget for the fiscal year 1968 (House Documents Nos. 15, Part 1, and 16), as amended during the first session of the 90th Congress: *Provided,* That the President may exempt from the operation of this title any obligations for national defense which he deems to be essential for the purposes of national defense.

SEC. 204. In the administration of any program as to which (1) the amount of obligations is limited by section 202(a)(2) of this title, and (2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for obligation as limited by that section or as determined by the head of the agency concerned pursuant to that section shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

SEC. 205. To the maximum extent practical, reductions in obligations for personnel compensation and benefits under this title shall be accomplished by not filling vacancies. Insofar as practical, reductions in obligations for construction under this title may be made by stretching out the time schedule of starting new projects and performing on contracts so as not to require the elimination of new construction starts.

SEC. 206. The amount of any appropriation or authorization which (1) is unused because of the limitation on obligations imposed by section 202(a)(2) of this title and (2) would not be available for use after June 30, 1968, shall be used only for such purposes and in such manner and amount as may be prescribed by law in the second session of the 90th Congress.

Approved December 18, 1967.

LEGISLATIVE HISTORY

House Reports: No. 785 (Committee on Appropriations) and No. 1011 (Committee of Conference).

Senate Report No. 672 (Committee on Appropriations).

Congressional Record, volume 113 (1967):

October 18, December 11: Considered and passed House.

October 23–25, December 12: Considered and passed Senate.

NOTE.—The following tabulation sets forth the effect of title II of the foregoing act on controllable obligations as estimated by the Bureau of the Budget on February 8, 1968, but subject to revision as later figures become available:

[In millions]

Department or agency	Budgeted controllable obligations	Reductions in obligations arising from congressional actions other than in H.J. Res. 888 (estimate)	H.J. Res. 888 additional reductions (estimate)	Total reductions (estimate)	Revised obligations (estimate)
	(1)	(2)	(3)	(4)	(5)
Agriculture	$4,322	+$72	$458	$486	$3,936
Commerce	1,070	104	----------	104	966
Corps of Engineers	510	10	57	67	443
Health, Education, and Welfare	7,498	311	439	750	6,748
Housing and Urban Development	1,351	488	150	638	713
Interior	1,668	75	53	128	1,540
Justice	477	20	----------	20	457
Labor	525	27	20	47	478
Post office	532	62	49	111	421
State	306	6	12	18	288
Transportation	1,456	+6	104	98	1,358
Treasury	917	7	26	33	884
Atomic Energy Commission	2,646	115	85	200	2,446
General Services Administration	699	8	113	121	578
National Aeronautics and Space Administration	$5,061	$511	----------	$511	$4,550
Veterans Administration	1,754	1	$139	140	1,614
Office of Economic Opportunity	2,060	287	----------	287	1,773
Economic assistance	2,450	455	----------	455	1,995
Other civilian programs	1,300	91	505	596	704
Allowances	2,450	----------	----------	----------	2,450
Interfund transactions	−682	----------	----------	----------	−682
Exceptions	----------	----------	+300	+300	300
Subtotal	38,370	2,500	1,910	4,410	33,960
Defense, non-Vietnam, and military assistance	54,695	2,610	2,989	5,599	49,096
Total	93,065	5,110	4,899	10,009	83,056

Mr. HOLLINGS. This joint resolution has reductions in obligations and expenditures. We would hope to take that up near the end of the treatment of some 14 budget items after we find out where we are, and offer this kind of amendment. This would bring us all up to an orderly basis in light of what appropriations have been approved, so that we are within some kind of $10 billion cut over this particular budget.

We are debating intermittently here with appropriations measures the consumer protection bill, and I shall speak to this more fully later on, I would hope that that great business community that is running all around here trying to filibuster a little consumer protection bill would get their eye on target. When we come around and try to balance the budget, one hears and reads in the news all these stories over the weekend, how they geared up and organized a big assault—Armour, Bethlehem Steel, Exxon, Firestone, Georgia Pacific, Maytag, Shell, the Chamber of Commerce, the National Association of Manufacturers.

Why do they come and try to filibuster a bill that has passed the U.S. Senate by a vote of 74 to 4? I see one of my good friends coming on the floor. Why do not the filibusterers get on to something meaningful, rather than trivial? Why do not the filibusterers come and organize Exxon, Armour, Bethlehem Steel, Georgia Pacific, Chamber of Commerce, National Association of Manufacturers, Armstrong, Greyhound, to balance the budget?

I do not mind lobbyists; I welcome them. But why do not they come up here and help us to get the votes to bring this monster, inflation, down to size and cut the budget by some $10 billion, rather than run around in circles in some bill that the Senate has duly considered over the past 3 years, and, over 3 years ago, passed by a vote of 74 to 4?

Consumerism? I shall tell Senators about consumerism. I went to the convention in 1956 with my distinguished friend's colleague from Alabama. I wanted to get our Governor to be the President, I wanted a little support, so I went over to George Wallace of Alabama in 1956, and we made a deal.

Mr. President, you know, TV was a newcoming thing at that time, and I made a deal on a 10-minute seconding speech; I would give half, 5 minutes, for five votes from Alabama.

We waited all day long, back behind the rostrum, with the seconding speech for George Bell Timmerman for President of the United States, then the Governor of South Carolina. When we came on TV, who should appear but Betty Furness and the refrigerator crowd, or the Frigidaire group? The people did not even see George and did not see me.

Then I came on to the U.S. Senate, and when Lyndon Johnson was President, he sent over before our Commerce Committee—who? His representative in consumerism, Betty Furness. I told her I had been looking for 10 years for that young lady, for knocking us off TV.

But the point to make is, sure, I think I represent consumers. I think that we did not need this agency in a different age, but consumerism has met its point in time. It is accepted by the Executive. President Johnson had his representative; President Nixon has his representative.

Representative agencies come, volunteer groups, and they all appear before the different agencies of Government. The courts recognize it. The only branch that has not recognized it is the Congress.

I would like to institutionalize Nader so that, as a lawyer representing legitimate businesses before the Federal Government, I would know where the other side lay and who they were and how to identify them. But I would think that we would try to join hands and get the real business leadership.

That is what the President of the United States was asking for. He asked for business leadership also to help with this budget. And where are they? when the Senator from West Virginia is taking leadership here and cutting his own budget 3.5 percent?

We are going to make this public law, we are going to work out a joint resolution, and right here and now. Would the Senator from West Virgina yield me just 1 more minute——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERT C. BYRD. Mr. President, I yield 1 additional minute.

Mr. HOLLINGS. I say to my friend, then they would have a filibuster, a real good one, to balance the budget. I do not know when we are going to have it, but when we get to the end of the road, we will have it. I do not know how many we will win on, how many we will lose. I say this just so they will not say it is a surprise when we do it. We believe strongly enough in this 1967 joint resolution that I put into evidence and into the RECORD, to have a resolution of that kind proposed now. Then, I shall get my friend from Alabama and my other distinguished filibustering friends, and we will all join in a meaningful filibuster to stop this inflation, to quit worrying about a little old regulatory agency as though the world is going to end if it passes, and get down to what really makes the world go around—economy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. I will get some more time later on.

Mr. ROBERT C. BYRD. Mr. President, I yield 5 minutes to my distinguished colleague from West Virginia (Mr. RANDOLPH).

SENATOR RANDOLPH SUPPORTS REALISTIC CUT IN APPROPRIATIONS MEASURE

Mr. RANDOLPH. Mr. President, among the toughest of tasks is to initiate a reduction in spending. Members of the Senate must recognize today that we have witnessed a profile in courage in the action proposed by my able colleague from West Virginia (Mr. ROBERT C. BYRD). Remember, he offers a 3.5 percent cut in the pending appropriation bill for the Department of Transportation not as a Member of the Senate elected by the people from West Virginia; he comes in a larger role, as the Senator who has brought this measure to this

Chamber. So this is double jeopardy, in a sense, that he faces when he, in good conscience, attempts to do what he is doing at this time. I commend him for his action.

I do not in any way criticize those Members who may vote against this pending proposal. I only say that we should remember that on June 21, 1974, by a rollcall vote of 75 to 0, we adopted the conference report on the Budget Reform Act.

Now, some 6 weeks later, we have the opportunity to prove to the country that ours was not a meaningless gesture. What we did was to erect a guide post for a very careful evaluation of the appropriation measures as they are presented for consideration in this body.

It is difficult for some of us, of course, in connection with transportation matters, to accept a commitment to reduce expenditures. My work over the years has been especially in the field of transportation.

I can recognize that there will be an impact on highway programs in the country. It will not be to the extent that those necessary developments will be stymied, but that there will be a tightening of the belts, as it were. Frankly, as the Senator from South Carolina (Mr. HOLLINGS) has said with some vehemence, now is the hour when we can prove to the people that we mean to carry out what we did in creating the Budget Reform Act.

Mr. President, the action proposed if the amendment is agreed to, will do what? It will require the Department of Transportation to carefully review its outlays in the many categories during the fiscal year to insure that only what moneys are needed will actually be spent.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. I yield 1 additional minute.

Mr. RANDOLPH. I thank the Senator.

This amendment to cut the Department of Transportation appropriations by 3.5 percent, will do what?

It will help to reduce the inflationary pressures which may result from Government expenditures.

I welcome the opportunity to cosponsor this amendment, and to advise the citizens of this country that we are meeting our commitment to strengthen the economy of the United States and provide more responsible leadership.

Mr. GOLDWATER. Will the Senator yield?

Mr. CASE. I would like to yield to the Senator from Arizona, if I may, for a few moments. I yield 5 minutes to the Senator.

Mr. GOLDWATER. I will not need 5 minutes.

Mr. President, it is impossible for this conservative Republican to describe the great feeling of elation that has come over him in the last 2 days, to hear Democrats proposing cuts in the budget and cuts in spending. I tell you, it is like the sun coming up on a gloomy day.

For 40 years the Democrats have been spending money we do not have, and now, thank God, they have seen the light.

Sometimes we say we politicians see the light rather quickly, but it takes time to feel the heat. The heat is getting here, from South Carolina, from Maine, from West Virginia, and from Arizona. I am glad it is. I want to join these Democrats who are going to propose these cuts. I will join with them in nearly every instance in trying to get something done about reducing the budget.

To my friend from South Carolina, who so eloquently states the case when he asks that we stop filibustering on this consumer bill, I say I would like to see us stop filibustering on it, too. I would like to see us put it back on the shelf and forget about it.

The Senator listed the National Association of Manufacturers, the Retail Federation of Merchants, and the Chamber of Commerce. I would suggest that he seriously consider adding George Meany, of the American Federation of Labor; the UAW and Ralph Nader. I think if we can get that team, together with the business team, we could probably make some progress.

I would suggest to my friend from South Carolina that he call George Meany and say, "George, we are in a hell of a shape in this country and your workers are suffering, probably more than anyone else. Why don't you quit suggesting these crazy agencies that will be established on $30 million and in 5 years they will be $300 million? Your workers are going to pay for it. Why don't you just join us in a real effort to cut spending in this country?"

I will loan the Senator the 10 cents to make the call.

Mr. HOLLINGS. Responding to that wonderful invitation by my distinguished colleague, I voted to put organized labor under the Consumer Act.

Mr. GOLDWATER. I did, too.

Mr. HOLLINGS. We ought to put them, banks and broadcasting and everything else, under the Consumer Act.

I will counter with this question: Was not a $100 billion deficit run up within the first 5 years of President Nixon and were those bills not signed by Republican President Nixon? You were talking about Democratic spending.

Mr. GOLDWATER. Yesterday on the floor I admitted through 40 years of Republican and Democratic administration.

Mr. HOLLINGS. I did not hear the word Republican.

Mr. GOLDWATER. We have only been in office for a few of those years.

As I said yesterday in the appropriations meeting, I get a rather big laugh or a big charge out of hearing people speak for less spending and then come on this floor and vote for every doggone increase in the budget that comes along.

I am glad that you fellows have seen the light. Really, I am beginning to enjoy life again, as an old, tired conservative who has been preaching fiscal responsibility all his life. Maybe in your hearts you know I am right. (Laughter).

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

Mr. GOLDWATER. I yield.

Mr. RANDOLPH. The Senator from Arizona is not old. He is active, his mind is at work, his conscience is clear, and he votes as he believes he should vote.

Neither party has a monopoly on concern with the financial health of this country, as the Senator knows. As Americans we understand that our actions can contribute to fiscal stability or fuel the fires of inflation. While I firmly believe that there are many areas in which the Federal Government should take the lead through well-reasoned programs that require the expenditure of public funds, I believe that we should view our actions in the context of what impact they will have on our total economy.

During my membership in the House of Representatives and in the Senate I have endeavored to be guided by this belief. There have been many occasions on which I have not only voted but have actively supported reductions in Federal spending. I have worked for reduced appropriations, for instance, in such areas as foreign aid and space programs. I did so when I felt that proposed funding was excessive to the demonstrated need and that the anticipated return would not be consistent with the proposed expenditures and, in fact, were self-defeating at the time they were proposed.

I recall 11 years ago when I cosponsored an amendment to cut military appropriations by 10 percent. This branch of the Federal Government has a prodigious appetite for funds, yet I was joined only by the Senator from South Dakota (Mr. MCGOVERN) in voting to reduce military spending.

In 1972 I cosponsored a bill to impose a statutory limit on Federal expenditures and net lending during the following fiscal year. Unfortunately, this measure failed to receive final congressional approval.

Since the convening of the 93d Congress I have voted against the foreign aid bill for I felt that the amounts proposed were excessive and out of line with actual requirements.

So I share the concern of the distinguished Senator from Arizona (Mr. GOLDWATER) that Government spending be kept within reason, and I assure him that this is a bipartisan concern.

Mr. GOLDWATER. I am glad we are adding to the numbers.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

Mr. ROBERT C. BYRD. Mr. President, I should like to plead my own case, briefly. I, too, have often supported budget cuts. For example, just recently, I voted against a measure here on the Senate floor which would have provided for the recomputation of military pay, at a cost of $16 billion to the taxpayers.

Incidentally, may I say that Congress, in the last 5 years, has reduced the President's appropriations budget by a total of more than $23 billion So that is not bad for a Democratic Congress.

Mr. President, how much time does the distinguished Senator from Maine desire?

Mr. MUSKIE. Mr. President, I should like to make a few observations and direct some questions to the distinguished floor manager of the bill.

First of all, there have been several references in the last couple of days to the fact that the Budget Committee has now been authorized by Congress and is about to be formed; and there is some tendency to suggest that as a result of that act alone, 15 Senators suddenly are going to have the wisdom to deal with the complexities of a budget which has been the subject of review and close examination by the Appropriations Committees of both Houses over these few months.

I would not have accepted the Chairmanship of the Budget Committee unless I understood the need for budget restraints. And I do not believe there is a Senator in this body who does not recognize the need for a sound economy. But there is clearly widespread disagreement as to how both of these objectives should be achieved and what approaches could be most productive.

Until the Budget Committee is organized—and it is not as yet—until it has had an opportunity to examine the complex economic, budgetary, and fiscal questions with which it is our responsibility to deal, I think it would be presumptuous and misleading to suggest to this body and to the country that we have an independent capacity to form policy in these areas.

We may, under the pressure of the present inflation and on an ad hoc basis, as a collection of 15 Senators, decide to recommend something to this body; but to suggest that we would be able to do so pursuant to the comprehensive policy-making process that was created by the legislation is a misleading kind of idea to throw around on the floor of the Senate. At the present time, only the Appropriations Committee, in the spending field, has the resources and has given the time to considering the implications of proposals to cut the budget this year.

So in votes on budget-cutting proposals during the past 2 days, I have relied on the Appropriations Committee. Each proposal raises the question of budget priorities: are we cutting what is more important and overlooking what is less important? That question cannot be answered within the confines of a debate about only one of the 13 or 14 appropriations bills. It can only be answered if we consider the total; and only the Appropriations Committee, at this time, is in a position to do that.

So I have relied on the judgment of the Appropriations Committee. During the last few years, under the able chairmanship of Senator McCLELLAN, and I have found that their instinct to cut to the bone, or close to it, has been very strong. They have generally been fiscally responsible and prudent.

The distinguished floor manager of the bill has just told us that, as a result of the Appropriations Committee's recommendations, Congress has cut $23 billion from budget estimates in the last 4 or 5 years. So the record is clear. The Appropriations Committee is a committee upon which we can rely, and I have done so.

My distinguished colleague from West Virginia, the floor manager of the bill recommends this cut. He has studied the part of the budget contained in this bill, as a member of the committee, and is in a position to see the overall picture. I am inclined, provided I am satisfied with the answers to some questions I intend to ask, to support his proposal, because it is based on his work in the only committee now equipped to answer the basis question: Are we cutting what is more important or what is less important?

We still need more and better answers to this question in the future, however. Unless the budget committee was created to help us answer those questions, there is no need for the budget committee. We can always get a collection of 15 Senators to come to the floor of the Senate and pick a figure out of the air—3 percent, 3½ percent, 5 percent, and cut across the board.

If that is all the Budget Committee was created to do, then we would be wasting time, money, and energy—not only of the 15 who are members but the rest of Congress as well—in even going through the exercise.

So we vote today with no suddenly acquired wisdom merely by virtue of the fact that the Budget Committee has been authorized to begin its work. The Republican members of the Budget Committee have not even yet been picked, and the House members have not been picked. We do not yet have even one staff member. We do not have a room in which to operate. We have not even met formally; only the nine Democratic members have yet gathered together, on a brief, ad hoc basis, the other day. But suddenly it is suggested that the Budget Committee ought to move in with the wisdom to deal with this complex question.

I should like now to ask this question of the Senator from West Virginia: Is it true, as I understand it, that the 3.5 percent proposed cut applies only to the new budget authority of $3.4 billion?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. MUSKIE. The cut does not apply, as I understand it, to the $5.5 billion in appropriations with respect to contract authority?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. MUSKIE. As I understand it, this bill is $155 million under the revised budget requests.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. MUSKIE. So that the Appropriations Committee, in the actions it has already taken on this measure has made cuts, below the budget estimates, which is consistent with its history.

Next, this bill is about $200 million over last year's level of expenditures. Is that not correct?

Mr. ROBERT C. BYRD. $193.2 million over the appropriations for 1974.

Mr. MUSKIE. As I understand it, about half of that increase relates to the Coast Guard, and the remainder, I think, to the FAA. Is that correct?

Mr. ROBERT C. BYRD. For the Coast Guard, new budget authority, $102,473,994 over the 1974 figure.

Mr. MUSKIE. Is the remainder of the increase substantially attributable to the FAA?

Mr. ROBERT C. BYRD. For the FAA, there is an increase of $108,084,000.

Mr. MUSKIE. So in these two areas there are increases of approximately $100 million each. As I understand the effect of the 3.5-percent cut, it would be to cut other programs below their level of spending in the last fiscal year, while preserving increases for those two programs for the next fiscal year over the current fiscal year. Is that an oversimplification, or an accurate statement of the effect?

Mr. ROBERT C. BYRD. There has been an increase in the new budget authority for the Coast Guard, for the Federal Aviation Administration, for the Highway Administration, for the National Highway Traffic Safety Administration, for the Federal Railroad Administration, and for the Urban Mass Transportation Administration.

For each of the agencies within the Department of Transportation there is an increase represented in this bill, over 1974, with the exception of one item—that is the Office of the Secretary.

Mr. MUSKIE. I have a further question for the distinguished Senator.

This bill is only about $200 millilon over last year's level overall, and for two of the programs we have discussed there are increases of $200 million—so how do the rest of the programs get increases without a cut somewhere along the line below last year's spending?

Mr. ROBERT C. BYRD. Well, for the most part, I think it can be stated this way.

The recommendations that are in the bill represent an increase in budget authority over 1974 for almost all of the agencies represented, but insofar as the administration's budget request is concerned, it represents a reduction of $154 million.

Mr. MUSKIE. I understand that, but overall the total is $200 million over last year's level and that $200 million appeared to be accounted for by increases for the Coast Guard and the FAA.

Mr. ROBERT C. BYRD. That is correct.

Mr. MUSKIE. So all others must be at about last year's level?

Mr. ROBERT C. BYRD. For the most part, they are over last year's level.

There are three of the related agencies which would suffer reductions: The United States Railway Association, Washington Metropolitan Area Transit Authority, and the Civil Aeronautics Board. But there was no request on the part of the Railway Association.

Mr. MUSKIE. I see.

What I am leading up to is this question. First of all, I am in thorough sympathy with the point of view of the distinguished Senator from Michigan, the Senator from New Jersey, the minority floor leader, the Senator from Alaska, and others, who have expressed concern about the resources of the Coast Guard, not only with respect to the 200-mile limit, but also with respect to enforcing the pollution standards that Congress has imposed on oceangoing traffic.

If the Coast Guard is to do that job, and I understand that part of the increase is for that purpose, their addi-

tional funding is very important. But so far as the Coast Guard and the FAA are concerned the 3½ percent will not wipe out their increases, but simply reduce their increases by that amount.

Mr. ROBERT C. BYRD. Yes; it would simply reduce the increases.

Mr. MUSKIE. Now, my final question, or next to final question to the Senator——

The PRESIDING OFFICER (Mr. ALLEN). All time of the Senator from West Virginia on the bill has expired.

The Senator from New Jersey has 18 minutes.

Mr. CASE. I yield 5 minutes.

Mr. ROBERT C. BYRD. I thank the Senator. I yield 2 minutes to the Senator.

Mr. MUSKIE. If the effect of the 3½-percent cut is to hurt programs that are important, what relief then would be available?

Mr. ROBERT C. BYRD. The conferees on the part of the Senate will have an opportunity prior to the conference with the other body to take this matter up with the Department of Transportation and to find out from the Department what the situation is with respect to a 3½-percent across-the-board cut in the budget authority.

In going into conference, we will have this new information, we will know what areas will suffer more than others, and we will, hopefully, be able to make appropriate adjustments in conference.

Then, too, there is another step which the Senator knows can be taken. The supplemental appropriations bill is considered by the committee. If this action today unduly injures any particular item, then consideration can be given at that time to restoring the amount.

Mr. MUSKIE. Could I put a suggestion to the distinguished Senator, and also to my good friend from New Jersey?

It is obvious that the impulse for cutting is very strong; the evidence of the last 2 days speaks for itself. I suspect that judgment will be supported by the action of the Senate today. But what we are doing is still piecemeal, and it seems to me that if we are going to go through this exercise in every one of the 13 or 14 bills that the Appropriations Committee considers, we will take under advisement an overall policy that will apply to all bills, taking into account what is important and what is not, so that perhaps——

The PRESIDING OFFICER. All time yielded to the Senator from Maine has expired.

Mr. ROBERT C. BYRD. I yield another 2 minutes.

Mr. MUSKIE. So that appropriate consideration can be given to the priorities in the context of the overall policy.

I know there is going to be the request by the Senator from South Carolina to the Budget Committee to take on this massive job. We do not have the resources yet. We would be happy to consult with the Appropriations Committee.

But it seems to me, going through this exercise day after day after day, that the time has come when we ought to join with the Appropriations Committee, if that committee wishes to do so, in consultation about the wisdom of the overall policy. Frankly I am terribly disturbed that, without knowing the impact on particular programs, we are going to be cutting things that ought not to be cut and overlooking other cuts that might better be made.

So I would like to ask the distinguished Senator from West Virginia, the floor manager of the bill, whether or not there is any sense to that.

Mr. ROBERT C. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute.

Mr. ROBERT C. BYRD. I cannot speak for the Appropriations Committee. I would not offer an across-the-board-cut amendment to any other appropriation bill. I would vote one way or the other if such amendments were offered. But this is the bill that I and the distinguished Senator from New Jersey and other members of the subcommittee have worked on, conducted hearings on, and we have brought it to the floor and I feel that I can do this without any compunction because we have been very liberal in that committee with all of the agencies that are represented.

My own State is affected by those agencies and I do not have any hesitancy when it comes to handling the bill that is brought up by my subcommittee. I have no hesitancy offering such an amendment. I think this cut can be absorbed.

We will go to conference and see what happens there. It is not my desire to unduly injure the programs that are being carried out by any of these agencies under the mandate of the Congress.

I am as sympathetic as any Senator with the programs, but I just cannot believe that, out of a budget of over $3 billion. The Department cannot absorb a 3.5 percent reduction as provided in this amendment.

Now, with some activities within the Department it might be more than minor, but I think we can work with this in conference and, again, when the next supplements come before us.

I cannot speak for the committee, I can only speak for myself.

Mr. MUSKIE. I am most appreciative of the Senator's comments, they are very helpful to me.

May I make one other suggestion?

May I have 30 seconds?

The PRESIDING OFFICER. Will the Senator from New Jersey yield time? Twelve minutes remain.

Mr. CASE. I yield a couple of minutes.

Mr. MUSKIE. One other suggestion: It seems to me, looking toward the possibility of repeating this exercise, that when time agreements are reached in the future on appropriations bills there should be taken into consideration the need to look into the components of these bills.

Because if we are going to get into a debate on priorities, if this whole issue is not resolved by overall policy, I think every Senator has every right to inquire into the impact on particular programs and functions, to see whether indeed we are applying the right priorities under pressure of cutting the budget.

Mr. ROBERT C. BYRD. Mr. President, I have no objection to taking more time today on this bill, but there are some Senators who are not in a position to take additional time. They have made appointments and reservations on airlines. It is only for that reason that I am concerned about the time.

Mr. MUSKIE. May I say to the Senator that my suggestion was not an implied criticism on the time, because I think we may have dealt sufficiently with this matter today.

Mr. ROBERT C. BYRD. Yes.

Mr. MUSKIE. But for other bills, to allow discussion of more details, I think we may need more time.

Mr. ROBERT C. BYRD. I understand.

Mr. JAVITS. Mr. President, I will vote for this amendment offered by the Senator from West Virginia to cut by 3½ percent the entire appropriation for transportation-related activities, but there are special circumstances that lead me to vote for this across-the-board budget cut that do not apply to others that have been offered and that I have voted against. It is because of those special circumstances that I support this amendment while opposing generally the meat-ax cuts in appropriations bills on the Senate floor.

This form of cutback in Federal expenditures is both inexact and misdirected. Across-the-board cutbacks take no account of the legitimate priorities of Federal expenditures and often will cause much greater problems and delays in some Federal programs than others. The extent of the impact on each Federal program is not measured and the need and importance of each Federal program to the overall national good is not considered.

Fortunately, this will probably be the last year in which we must make such across-the-board cuts without guidance from a committee that has the expertise to judge the impact and necessity of the various Federal programs impacted by the cutbacks and the aggregate Federal expenditure against the aggregate Federal intake. This Budget Committee, under the likely chairmanship of Senator MUSKIE, will be in a position to make those judgments and to recommend to the Senate which programs can survive greater cuts than others and which expenditures are more critical to the Nation's immediate well-being, and he has already promised to ask the Budget Committee to apply this expertise to all the appropriation bills this year—I will join in that effort and if it dictates overall cuts I will support them.

However, we are today presented with an amendment that has the endorsement of both managers of the bill—the chairman of the subcommittee as well as the ranking minority member. These two Senators are uniquely qualified to judge on the merits of this particular appropriation bill whether the expenditure cuts recommended will cause undue harm to any given Federal program. Because of their expertise, upon which we

need rely, I am able to support this amendment even though I believe this procedure for trimming the Federal budget is inadequate and problematical, will not consider this vote to be a precedent for me.

Inflation is our No. 1 problem and the impact on it of a Federal budget deficit is great. I will endeavor to cut or eliminate such a deficit but wish to do so with the wisdom and discretion the Budget Committee will help us bring to the process.

The PRESIDING OFFICER (Mr. ALLEN). All time on the amendment has expired. The question is on agreeing to the amendment of the Senator from West Virginia (Mr. ROBERT C. BYRD). 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 Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Ohio (Mr. METZENBAUM), the Senator from Minnesota (Mr. MONDALE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Colorado (Mr. HASKELL), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. HUDDLESTON) and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Kentucky (Mr. HUDDLESTON) and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. PERCY), the Senator from Virginia (Mr. WILLIAM SCOTT), and the Senator from Ohio (Mr. TAFT), are necessarily absent.

I further announce that the Senator from New York (Mr. BUCKLEY), is absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 58, nays 15, as follows:

[No. 349 Leg.]

YEAS—58

Abourezk	Church	Hansen
Allen	Clark	Hathaway
Bartlett	Cranston	Helms
Beall	Curtis	Hollings
Bentsen	Dole	Hughes
Burdick	Domenici	Humphrey
Byrd, Harry F., Jr.	Dominick	Jackson
Byrd, Robert C.	Eagleton	Javits
Case	Ervin	Johnston
Chiles	Fannin	Kennedy
	Goldwater	Long
Mansfield	Nunn	Stevenson
Mathias	Packwood	Symington
McClure	Pearson	Talmadge
McGovern	Proxmire	Thurmond
McIntyre	Randolph	Tower
Montoya	Roth	Tunney
Moss	Schweiker	Williams
Muskie	Sparkman	Young
Nelson	Stafford	

NAYS—15

Bennett	Hruska	Pastore
Bible	Inouye	Scott, Hugh
Griffin	Magnuson	Stennis
Hartke	McClellan	Stevens
Hatfield	McGee	Weicker

NOT VOTING—27

Aiken	Cotton	Metzenbaum
Baker	Eastland	Mondale
Bayh	Fong	Pell
Bellmon	Fulbright	Percy
Biden	Gravel	Ribicoff
Brock	Gurney	Scott, William L.
Brooke	Hart	Taft
Buckley	Haskell	
Cannon	Huddleston	
Cook	Metcalf	

So Mr. ROBERT C. BYRD's amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PASTORE. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Rhode Island.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. PASTORE) proposes an amendment on page 11 of the bill after line 19 add a new section appropriating a $12,000,000 for Rail Crossings Demonstration Projects.

Mr. PASTORE. Mr. President, this amendment was recommended by the administration. It was a budget estimate. It was knocked out by the House. I have discussed this with the manager of the bill. I am asking for the restoration of this item. This is for the Northeast Corridor. We have a tremendous problem on these rail crossings. I am asking that that be reinserted in the bill.

Mr. ROBERT C. BYRD. Mr. President, would the distinguished Senator agree to half the amount? If he does, I would be willing to accept the amendment. I have already discussed it with the ranking Member on the other side of the aisle.

Mr. PASTORE. Could we go to $9 million?

Mr. ROBERT C. BYRD. The reason I suggest $6 million is that in the beginning of the day, I offered an amendment which would provide for a 3 percent across-the-board cut. I explained that, only because I was chairman of the subcommittee, would I do that to any appropriation bill. Then two floor amendments were accepted which absorbed $12 million of that proposed cost. Now this amendment is being offered and if the Senator would leave it at $6 million, it would cancel out the half percent across-the-board cut, leaving a full 3 percent across-the-board cut. I hope my friend will accept my suggestion.

Mr. PASTORE. In view of the explanation, I concede. I am a compromiser today. A half loaf is better than none.

I modify my amendment to read "$6" instead of "$12," with the hope that they will insist on $6 million in conference.

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

The PRESIDING OFFICER. The amendment is so modified.

Mr. HANSEN. Will the Senator yield?

Mr. PASTORE. I yield.

Mr. HANSEN. We would still be trying it out with two tracks, would we not? We would not go to one rail?

Mr. PASTORE. Oh, no, the tracks will be there. This is the idea of the bridges and the crossing. The only two tracks I ever heard of was over here in the Senate when we get ourselves all snafued.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MAGNUSON. Will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. MAGNUSON. I want to ask the distinguished Senator from West Virginia——

Mr. PASTORE. I yield back whatever time I have.

Mr. ROBERT C. BYRD. I yield back the remainder of my time.

Mr. PASTORE. I call for the question.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Rhode Island as modified.

The amendment, as modified, was agreed to.

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Washington.

Mr. CASE. Mr. President, just to keep the record clear——

The PRESIDING OFFICER. The Senator from West Virginia has no additional time.

Mr. CASE. I shall be happy to yield 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from Washington has 2 minutes.

Mr. MAGNUSON. I want to ask the Senator from West Virginia if he honestly believes that the amount of money allowed the FAA under this bill as now amended is sufficient to take care of the serious air safety problems in the United States?

Mr. ROBERT C. BYRD. The committee recommended $108 million new budget authority over 1974 for the Federal Aviation Administration. May I say to the distinguished Senator that if we go to conference, in the meantime, we shall talk with the people at the FAA. If there is some need for adjustment there, we shall make every effort in conference to work that out.

I know of the Senator's long-time interest in air safety, and I am also interested in the FAA. It has a great effect upon my own State. I want to assure the Senator that if this reduction impinges unduly on that agency, I, for one, will do everything I can in conference to repair that.

Mr. MAGNUSON. I do not want to get into an argument about the merits of the chairman of the subcommittee offering an amendment to his own bill when he could have done it down in the committee markup of the bill.

Mr. ROBERT C. BYRD. Mr. President, on that point——

Mr. MAGNUSON. I said I do not want to get into an argument.

Mr. ROBERT C. BYRD. I know the Senator does not want to; but he has made reference to my amendment.

Mr. President, I would have offered my amendment in the committee had I thought of it there. The idea occurred to me this morning, and I am sure everybody in this body knows that an amendment to cut this bill would have been offered in any event, by someone. It might have been 5 percent, it might have been 10 percent.

I think that a Department that is getting over $3 billion in a bill can sustain a little bit of a cut.

Mr. MAGNUSON. I do agree with the philosophy of budget cuts, particularly where they do not seriously endanger the purpose of a program. There are some Federal programs that can be cut by 3.5 percent with no injury to the Nation.

Mr. ROBERT C. BYRD. Yes.

Mr. MAGNUSON. But many Federal programs are already under funded. They often are very sensitive. Reckless, indiscriminate budget cuts can endanger the lives and welfare of many people. The FAA is good example.

Mr. ROBERT C. BYRD. I agree.

Mr. MAGNUSON. I was tempted to offer an amendment exempting the FAA from your general 3.5-percent cut. I suppose that would have led to a series of other amendments to exempt other safety programs. But I think the action the Senate just took puts us on very dangerous ground with the FAA and aviation safety. There is still a serious shortage of personnel in the control towers. And this amendment might cut the levels further. So I want to have the Senator's word—I know he will carry it out—that in conference with the House, when he gets to the Federal Aviation Administration, the Senator will be very careful to not cut the FAA. There are more airplanes flying this year than last. There are more near misses this year than last in the Nation's skies—by almost 15 percent.

We have a pretty good record of air safety in this country. I opposed the Senator's meat ax cut because I do not want the lives of citizens endangered in the particularly sensitive area of air safety.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator has that assurance from me, and he knows that I shall do the best I can and all I can in that regard.

I merely want to remind the Senator that it was only last year, I believe, or the year before that I led the fight to add, I believe, $50 million——

Mr. MAGNUSON. For more personnel.

Mr. ROBERT C. BYRD. It was to add $50 million for instrument landing systems, for surveillance radars, towers, and safety equipment all over this country that were not requested in the President's budget.

I agree with the Senator, this is a delicate area and I want to protect it, and I shall do the best I can.

Mr. CASE. Mr. President, how much time remains on the bill?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. CASE. I have been asked for 2 minutes and 2 minutes.

Is there anyone else? There is one.

I yield 2 minutes to the Senator from Idaho.

Mr. CHURCH. Mr. President, this bill contains the appropriation of $143 million for Amtrak. The people of Idaho will pay their portion for that Federal subsidy. Yet Idaho was dropped entirely from the Amtrak system, and the people of my State receive no rail passenger service.

I have no quarrel with the Appropriations Committee. The deficiency in the present program—its failure to extend rail passenger service to all the 48 contiguous States—is a matter we have to rectify in the authorization bill. But as long as the people of Idaho pay their part of the subsidy and still receive no service, they are in the same position as if paying their share of the deficiency in the Post Office budget, but receiving no mail. It is obviously unfair to them.

Therefore, I have said that as long as this inequity remains unremedied, I will vote against any appropriation measure financing the Amtrak system. On that basis alone, I will cast my vote against this bill.

Mr. MAGNUSON. Will the Senator yield?

Mr. CHURCH. I yield.

Mr. MAGNUSON. The Senator discussed with me and the distinguished chairman of the subcommittee, the Senator from Indiana. When that bill comes up, which is some time in the near future, both the Senator from Indiana and I will entertain the Senator's views on this matter pertaining to Idaho. But there are some other parts of the country in just the same shape.

Mr. CHURCH. I appreciate the Senator's assurances, and the hope that both Senators have offered.

Mr. CASE. I yield to the Senator from Colorado.

Mr. DOMINICK. I thank the Senator from New Jersey.

If the Senator from Washington will remain in the Chamber, I would like to comment a little on his comments concerning the Federal Aviation Authority.

I guess I am one of about four or five people in the Senate who fly their own aircraft. I have been doing it for 40 years now.

Over the process of time we have had more and more interference by the Federal Aviation Authority in what we can do and what we cannot do. There is more and more expense heaped on general aviation, and less and less safety derived from it.

It is extraordinary to me how the budget of the FAA has gone up without doing a single thing in the way of promoting either the general aviation sector, which is terrifically important to this country—both businesswise and employmentwise—and has done very little, if anything, for safety. Let me give you a concrete example.

They put in a so-called control airport in Denver in which you are required to call in ahead of time as you approach and also get permission as to which direction you are going when you take off.

You are required to do that before you take off or before you come in to land. Since that has been put in, we have had two midair collisions. Before it was put in we did not have any because someone would stick their head out the window and look where they were going. Now they assume that they are on radar and, therefore, they are fully protected.

Another example: I came into the St. Louis airport at one point with broken cloud conditions and on radar, followed the course that I was asked to take, and almost got wiped out by a F–4 taking off. It just went out of sight, within 50 feet. The plane so close I could see the pilot's face.

When I protested to the radar people, they said they had not painted him at all. He was not on radar. I was on radar, but I was steered right into his path.

My question is: Why do we need so much money for the FAA to put in rules and regulations which do not help safety; which cost a lot of people a lot of money and which, in my opinion, are totally unnecessary?

I thank the Senator from New Jersey for letting me get this statement before the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. CASE. Mr. President, I yield 1 minute on the bill to the Senator from Indiana.

Mr. HARTKE. I thank the Senator.

Mr. President, I would like to address my remarks to the assistant majority leader and manager of the bill.

On page 24 of the report, under railroad safety, there is an indication that the Federal Railroad Administrator still does not have enough inspectors in the force. The words are last year when this committee provided funds for 95 additional inspectors, FRA indicated a willingness to hire only 66.

Clearly, the agency must change its attitude toward this most serious problem and give higher priority to railroad safety.

We held hearings in Indianapolis on Monday. The Penn Central was forced by FRA to close down last night at midnight. I complained at that time about the failure to hire the necessary inspectors. I want to thank my distinguished assistant majority leader for calling this to the attention of the public. It is true, still, that the appropriations for necessary inspectors would come through if they are willing to change their attitude. Is that correct?

The PRESIDING OFFICER. The Senator's time has expired. One minute remains to the Senator from New Jersey.

Mr. ROBERT C. BYRD. May I respond to the distinguished Senator from Indiana?

Last year the committee provided funds for 95 additional inspectors. The Federal Railroad Administration indicated a willingness to hire only 66. We took this up with the FRA and they have indicated that they are going to try to do a better job. But the answer is that they have not employed the inspectors which were authorized and for which the moneys were appropriated.

Mr. HARTKE. I thank the Senator.

The PRESIDING OFFICER. All time on the bill has expired.

Mr. ROBERT C. BYRD. Mr. President.

I ask unanimous consent that the Senator from Georgia may be allowed to proceed for 1 minute. He has been wanting to speak all morning.

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

Mr. NUNN. I thank the Senator from West Virginia. I did want to make a number of comments which would take more than 1 minute. I have been waiting patiently all morning after being assured several times that I would be given time.

I want to take this 1 minute to say that the Senator from West Virginia has displayed, in my opinion and in the words of his colleague from West Virginia (Mr. RANDOLPH), a real profile of courage for the Senate this morning. I hope this is the beginning of other cuts in appropriations.

I do not generally favor the meat-ax approach, but I think it has been proven to be the only approach that we have at the present time available to us.

I would like to say to the Senate that this reduction represents a real departure from past habits and practices. I believe we have now gotten the message from home about inflation, and we realize that the American people place this as their top priority.

I think we also ought to note here today that it has been no easier to cut this budget today than it would have been to cut the budgets we have already passed, which are above the administration requests, or than it will be to cut the ones that are coming.

I think this is a message for the future, and I commend the Senator from West Virginia for what he has done in this notable display of leadership on a very important economic matter.

FEDERAL AVIATION ADMINISTRATION NOISE POLLUTION EFFORTS

Mr. JAVITS. Mr. President, the committee has cut the Federal Aviation Administration's aviation and noise pollution research budget request from $4,986,000 to $4,920,000. Although I recognize the committee's expertise on what level of funding can be efficiently utilized for this program in the 1975 fiscal year, and hence will not seek to amend the bill to restore the $66,000 that has been cut, I think it imperative that the Congress express its displeasure with the speed at which the FAA has implemented the aircraft noise pollution control requirements of the Noise Pollution Control Act of 1972.

Although some progress has been made, our aircraft noise problem remains the most significant question in the entire field of noise pollution. It severely impacts on over 7 million people who live in airport environments; many of those 7 million citizens are within my own State of New York.

There are several possibilities for significant improvement in the immediate future. The committee in its report notes the refan retrofit plan as one such possibility. The FAA has also proposed a rulemaking on two segment instrument landing approaches, which if implemented would generate substantial noise reductions in landing pattern impacted areas and could be achieved immediately.

In addition to this and other operational techniques that could be implemented, the FAA should proceed expeditiously on its retrofit program investigations and rulemaking, so that all areas near airports will again become livable and free from the obtrusive invasions of aircraft noise so commonplace today.

I, therefore, implore the FAA to utilize the funding appropriated today to achieve immediate results, rather than to continue to study and postpone and delay implementation of meaningful reform which was mandated by the Congress over 3 years ago in the Noise Pollution Control Act. For many of our citizens, the aircraft noise problem is the most significant issue they face involving Federal Government authority. We cannot let those citizens down. The problem will not go away by inaction; it must be acted upon now, by the FAA as well as by the Environmental Protection Agency.

Mr. ROBERT C. BYRD. May we have third reading?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended by the Byrd amendment.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT OFFICER. All time has been yielded back.

The bill having been read a 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 Delaware (Mr. BIDEN), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Colorado (Mr. HASKELL), the Senator from Montana (Mr. METCALF), the Senator from Ohio (Mr. METZENBAUM), the Senator from Minnesota (Mr. MONDALE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) and the Senator from Kentucky (Mr. HUDDLESTON) are absent on official business.

I further announce that, if present and voting, the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Ohio (Mr. METZENBAUM), the Senator from Rhode Island (Mr. PELL), and the Senator from Colorado (Mr. HASKELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. PERCY), the Senator from Virginia (Mr. WILLIAM L. SCOTT), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY), the Senator from Kentucky (Mr. COOK), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 69, nays 2, as follows:

[No. 350 Leg.]

YEAS—69

Abourezk	Hatfield	Muskie
Allen	Hathaway	Nelson
Bartlett	Helms	Nunn
Beall	Hollings	Packwood
Bennett	Hruska	Pastore
Bentsen	Hughes	Pearson
Bible	Humphrey	Proxmire
Burdick	Inouye	Randolph
Byrd, Robert C.	Jackson	Roth
Case	Javits	Schweiker
Chiles	Johnston	Scott, Hugh
Clark	Kennedy	Sparkman
Cranston	Long	Stafford
Curtis	Magnuson	Stennis
Dole	Mansfield	Stevens
Domenici	Mathias	Stevenson
Dominick	McClellan	Symington
Eagleton	McClure	Talmadge
Fannin	McGee	Thurmond
Goldwater	McGovern	Tower
Griffin	McIntyre	Tunney
Hansen	Montoya	Weicker
Hartke	Moss	Williams

NAYS—2

Church	Young

NOT VOTING—29

Aiken	Cook	Metcalf
Baker	Cotton	Metzenbaum
Bayh	Eastland	Mondale
Bellmon	Ervin	Pell
Biden	Fong	Percy
Brock	Fulbright	Ribicoff
Brooke	Gravel	Scott, William L.
Buckley	Gurney	Taft
Byrd, Harry F., Jr.	Hart	
Cannon	Haskell	
	Huddleston	

So the bill (H.R. 15405) was passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate may be authorized to make technical corrections in the engrossment of the amendments.

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

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate insist upon its amendments, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ROBERT C. BYRD, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. MANSFIELD, Mr. EAGLETON, Mr. CASE, Mr. YOUNG, Mr. COTTON, Mr. STEVENS, Mr. MATHIAS, and

Mr. SCHWEIKER conferees on the part of the Senate.

FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974—CONFERENCE REPORT

Mr. HUMPHREY. Mr. President, I submit a report of the committee of conference on S. 2296, and ask for its immediate consideration.

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

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2296) 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

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

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of July 25, 1974, at pp. 25304–25306.)

Mr. HUMPHREY. Mr. President, it has been 1 year since I introduced the original version of S. 2296. A great deal of solid work has gone into this legislation on the part of the Congress and interested conservation and user groups.

In bringing before the Senate the agreement that the House and Senate conferees reached on the differing versions of this bill, I would like to give some background on the origins of this legislation.

The purpose of this bill is to assist in raising the level of management for programs dealing with the renewable resources on forest and rangeland in the United States. For reference purposes, the Multiple Use and Sustained Yield Act of 1960 describes and defines the types of land and the kinds of resources emcompassed by this legislation.

The 1960 legislation was designed to give the executive, the Congress, and the public the ways and means to build a better structure for meeting our conservation goals.

While the purpose of this legislation is to aid the whole range of programs that the Forest Service administers—cooperative programs with State and private landowners, research and National Forest System management—it also is the purpose of this legislation to respect existing arrangements for the development of conservation information and improve cooperation in the implementation of conservation programs.

Within the past few years there has been a growing concern over the use of natural resources for commodity and noncommodity purposes. This legislation is a direct outgrowth of these concerns and represents a constructive effort to produce their reconciliation by improving the existing governmental machinery.

It is worth recalling that the 1960 Multiple Use Act was proposed by the Eisenhower administration on February 5, 1960. The request for that legislation pointed out that the many existing Forest Service authorities were scattered, and it would be highly desirable to have each of the five major renewable resources referred to specifically in the same statute. The four purposes of that act were:

First. To give legal recognition to the fact that all renewable resources should be managed for a sustained yield.

Second. To assure that they would be managed on a multiple-use basis.

Third. To protect the renewable resources from overutilization.

Fourth. And to assist Congress in the implementation of a program for the national forests which had just been developed by the Eisenhower administration.

When the Congress enacted this legislation, it provided definitions of the terms "multiple-use" and "sustained yield." However, the law was a response to an initiative by the executive, and questions concerning priorities remained. The timber industry wondered whether the bill should not call timber the "number one" resource. Others were concerned about the failure to mention wilderness as a resource.

The Congress did not give any one resource top billing, but it did, at the insistence of Senator AIKEN, provide that wilderness was a proper use of national forest land.

There also were concerns as to whether this legislation was political window dressing that substituted high sounding phrases for solid action. The recently unveiled program for the national forests was before the Congress, but there was no initial request for funding despite the claim by the executive that there was a "demonstrated urgency" for a higher level of integrated multiple-use management and a clear need to plan over a longer time frame.

I recall quite vividly the concerns expressed at that time because I was one of the members of the Senate Committee on Agriculture and Forestry who was asked to delay this bill. Instead, I went to the then majority leader of the Senate, Lyndon Johnson, and asked that the bill be scheduled promptly. I worked closely with the committee, our counterparts in the House, and the then Chief of the Forest Service, Dr. Richard McArdle, to secure enactment of that bill.

My genuine concerns of the period are a matter of public record. In supplemental views on the bill, I agreed with Secretary of Agriculture Benson on the importance of the bill on its own merits, and it is a matter of record that Secretary Benson and I differed strongly in numerous other areas.

I noted that the multiple-use concept would be meaningless unless programs to implement it were adequately funded, and I stressed the need for a full review of long-term budgetary requirements. Those supplemental views closed with the observation that "the multiple-use policy will be successful only if the budgetary policy is improved."

That is what today's bill is all about. It seeks to improve the budgetary policy. We considered the various proposals which had been submitted to the Congress, and we reviewed the record since the 1960 act was passed. The result was to bring out a bill that ties in with the Multiple-Use Act, and is applicable to all Forest Service renewable resource programs.

As I explored whether I ought to lend my support to some of the existing bills, one of the important determinants in deciding on the approach in S. 2296 was the excellent counsel I received from Dr. Richard McArdle. This man, who had 40 distinguished years of public service and 10 years as Chief of the Forest Service, combined that special knack of defining issues with a selfless dedication to the public interest.

Dr. McArdle pointed out that the 1960 act was a clear success as a basic policy tool, but a major omission was the lack of a procedure to assure that the President and Congress could secure the timely enactment of program goals.

Also missing was a vehicle for keeping before policymakers an agenda to realize the program goals.

This is the bill's purpose, and it does it in a manner consistent with the fundamental reforms enacted under the Budget and Impoundment Control Act of 1974.

The bill before us is a blend of the best ideas from conservation and user groups, the executive agencies, and our colleagues in the House and Senate.

These are the major highlights of the conference bill:

First. The term "forest and range and associated lands" is intended to cover these two major land classes, totaling 1.4 billion acres, and those naturally associated with them as distinct from the classes of agricultural land known as croplands, orchards, and improved pastures.

Second. The term "renewable resources" refers to the categories of resources used in the 1960 Multiple-Use and Sustained Yield Act.

Third. The renewable resource assessment is to provide an integrated national assessment decade after decade, and it is to be presented in a manner that enables those concerned with public policy to focus on the individual resources and their relation to each other in the short and long term.

One initial benefit will be that basic data, which has heretofore been accumulated and analyzed separately, will be developed on a coordinated basis to form the foundation for the decadal assessments. I would note, however, that the initial assessment will rest largely on presently available information and may be somewhat less detailed than will be expected in 1979. What we express in this bill is a sense of urgency that the Executive get started.

Fourth. Another basic concept in this legislation is that policy for renewable resources will be subject to revision as new facts become available. We sought not to cast either the assessment or the

program into a right mold. Both the Executive and the Congress must proceed in a flexible manner to adjust sights, redefine goals, and provide the financing as the facts warrant.

One of the major pleas made by spokesmen from the administration was that we not build a rigid program. The first version of this bill provided for considerable flexibility, and yet, as we proceeded, we kept hearing administration concerns of too rigid a program. I believe that this legislation will provide the needed flexibility to develop a sound program.

I cannot stress too strongly the long timeframe involved with renewable resources of the type this bill addresses. Crash programs that seek to change the level of forest growth, range plant growth, wildlife populations, water conditions or outdoor recreation will bring little immediate response. We must think of these resources in the long term and plan for the future accordingly so that change is orderly.

Thus the bill expects the President to set forth a program recommending a course of action while leaving him free to set forth other alternatives. We agreed that there could be two ways of objecting to a recommended program which would consist of either a resolution of disapproval or a revised statement of policy emanating from the Congress.

It seemed to us that the resolution of disapproval would have merit only where there were wild and irreconcilable differences with the proposed program of the Executive. Generally speaking, we thought it better to provide that Congress, working with the Executive, could develop a revised statement of policy.

Fifth. Section 4, 5, and 6 of the bill are essentially the same as they were in both bills with only minor perfecting word changes. The House accepted the Senate language in section 5 requiring coordination with State and local governments and other Federal agencies in National Forest System land and resource management plans, rather than consultation as included in the House bill.

It is the intent of the bill that the Secretary will be free to proceed in developing management plans, but a duty is imposed on him to consult and give careful consideration to the impact of these plans on State and local jurisdictions.

Sixth. The Senate yielded on section 8(a) of its bill, which would have called on the Secretary to issue regulations relating to public participation. After serious reflection, it appeared that sufficient authority was already lodged in the Secretary to obtain an input from the public.

Recognizing that the Secretary will proceed at his own peril if he does not listen to public advice, the conferees agreed that there was no need to reemphasize the fact that the Secretary now has all the authority he needs to improve the regulations which spell out the opportunities for public suggestions.

Seventh. Section 7(b) provides that the President, when his budget recommends a course that fails to meet the policies established, shall specifically set forth his reasons for requesting that Congress approve the lesser programs or policies presented. If later budgets do not reflect the agreed-upon policy, the Congress and the public need to know the reasons for the changes.

The Congress may agree with the changes proposed, but to suggest that the President can change policy without advising the Congress flies in the face of sound policy direction. It also is completely at odds with the reforms written into the Budget and Impoundment Control Act of 1974.

Section 7(b) also requires that amounts appropriated to carry out the policies approved in accordance with subsection (a) shall be expended in accordance with the newly enacted Congressional Budget and Impoundment Control Act. The House bill did not contain this language, and the conferees felt that it was desirable to leave no doubt as to the applicability of the new Budget Act.

Eighth. Section 7(c) through (f) provide for reporting and oversight by the Congress and the executive. It is now July 1974, and we are already into the 1975 fiscal year. Yet the most recent annual report of the Chief of the Forest Service, covers 1970 and 1971 combined, and it was issued over 2 years ago on April 3, 1972. This is a deplorable situation and especially in this age of automated information systems. The bill requires, commencing with the third fiscal year after enactment of this act, that the annual report shall be submitted to the Congress at the time the annual budget is submitted.

The current situation is entirely unsatisfactory and hardly equates with businesslike operations. The evaluation report requirements that are set forth in section 7(d) will provide the Executive and Congress with factual supporting evidence on accomplishments.

We have provided in section 7(e) that the Executive will indicate his plans to overcome demonstrated shortcomings as well as any recommendations for new legislation.

Ninth. The conferees adopted the Senate language setting the year 2000 as the target year when the renewable resource programs of the National Forest System shall be operating on a current basis.

A number of groups suggested that we select an earlier date, especially for forest land restoration and wildlife habitat restoration. In contrast, the spokesmen for the Department of Agriculture suggested no date at all. Dr. Richard McArdle, former Chief of the Forest Service, pointed out the vital importance of having an initial planning target date but being equally amenable to revising the date and even using different dates for different resources as more facts became available.

The target year issue must be carefully considered when the 1979 assessment is presented. For every one of the renewable resources, the backlog of work is so large that any added effort which might realistically be undertaken in these next few years would not make much of a dent on the work backlogs.

There are critical problems in the work backlogs for fish and wildlife habitat, range cover, watersheds, recreational needs and forest cover. A February 14, 1974, GAO report, "More Intensive Reforestation and Timber Stand Improvement Could Help Meet Timber Demands," details the forest situation mainly in terms of the economic opportunity in wood production. The Comptroller General found that 18 million acres of the 92 million acres of National Forest System timber land was in need of improvement. The data demonstrated that efforts in this direction would also benefit recreation, watershed, and wildlife.

He cited the fact that revenue collections on areas being cutover under existing timber contracts as provided for by the Knutsen-Vandenberg Act have been insufficient, and as a result the backlog is not being reduced. Budget requests for the 5 years ending with fiscal year 1973 were about $52 million below the estimated need. Part of the $7.4 million that the Congress added during those years was impounded.

The Forest Service estimated that there were 4.8 million acres in need of reforestation and 13.4 million acres in need of stand improvement, and that half of this total backlog needed to be reviewed to determine whether it should be reforested or improved in order to secure timber production from it.

In any event the cost to reforest and improve the other half over the next 10 years, commencing with fiscal year 1974 and based on current estimates, was projected to be $724 million.

On the income side, it was estimated that the timber harvest on the National Forests could rise to 20 billion board feet from the current level of 12.4 billion board feet. The major portion of this increase would stem from treatment of the 18-million acre backlog. While the Comptroller General's report did not contain a schedule of the increased revenue, it did indicate that the higher cut level could be attained by the year 2000.

Based on estimates made in consideration of this legislation, it would be reasonable to expect that the added 7.6 billion board feet in harvest would provide an increase in annual income from the national forests well in excess of $20 million per year and thus more than offset the investment cost, environmental and other multiple use benefits aside.

It is not my purpose to jump to the conclusion that a specific increase in Federal reforestation effort is needed to increase timber harvesting. In fact, the OMB cited their agreement with the observations of the Comptroller General on the need for an operational system to identify priority timber investment opportunities. This legislation is designed to bridge this gap for all renewable resource programs for forest and rangelands.

Ninth. Section 9 of the bill deals with the need to improve the transportation system in the national forests. The conferees settled on modified Senate language rather than the Senate or the

House language. The original Senate language met the problem less squarely than the revised language, and it was concluded that a 2-year study as envisioned in the House bill was not really the answer in view of the extensive studies previously made.

The Forest Service has been carrying out a study to develop a more analytical and comprehensive planning system for selection of priorities, to develop improved data on roads and trails, and to improve the programing and funding of construction projects. The target date for completion of the entire study was 1975, and interim reports were called for that would aid the Service in immediately effecting improvements.

Our review of the situation, including the views from commodity and noncommodity users of the resources of the national forests and county officials, who share in 25 percent of the receipts that the national forests generate in their counties, is that the road and trail program was out of hand in a number of important ways.

The road program consists of two parts. One is visible to the Congress through the level of money provided by the authorization and appropriation process. The invisible segment—provided by revenue foregone through reduced timber prices under which timber purchasers build the roads—is authorized under clause 2 of section 4 of the act of October 13, 1964.

Since 1964 there has been an increased reliance on back-door spending with the revenue foregone in fiscal year 1972 amounting to $100 million, and the level is expected to increase to $190 million by 1975. The appropriated funds allocated to multipurpose roads will decline over the same time frame from $111 million to a mere $8 million.

The budgetary ramifications are significant. Authorizations of half a billion dollars remain unused, and revenue to the Treasury is reduced on timber sales. The hard-pressed rural counties, which receive 25 percent of such sales, are also hurt in reduced revenue.

In addition, long-term timber management planning must proceed from sale to sale with roads going in barely ahead of the power saws. The conferees noted that there were numerous concerns expressed by those from forest districts about all of these matters as well as whether the roads were properly designed and located.

As the initiator of this renewable resource reform legislation, one of my goals was to assist in strengthening the linkage of goal setting and budget performance. The basic reform that we have included here was one that could not be shaped until the Congress had decided on the thrust of its overall budget reforms. However, at my direction the staff had consulted regularly with people working on the Budget and Impoundment Control Act as we proceeded.

I would like to express appreciation to Mr. Eugene Wilhelm, acting staff director of the Joint Committee on Federal Expenditures, for his able assistance. Mr. Wilhelm served for years on the staff of the House Committee on Appropriations, including several years working on the budget of the Forest Service and the Department of the Interior. Also deserving recognition are Bruce Meredith and David Willson of the Committee on Appropriations. Mr. Willson ably staffs the subcommittee which currently handles the Forest Service budget in the House. These experts, along with Larry Filson, who is deputy counsel of the Office of Legislative Counsel of the House, were all closely associated in developing the new Budget Act, and they assisted us in developing sound language for this section.

The language developed meets certain tests:

It encourages comprehensive development of the entire Forest Service road and trail program.

It displays the fiscal ramifications of the entire Forest Service road and trail program so that the Congress and the Executive can effectively deal with needs as they see them.

It provides flexibility while improving the discipline of the appropriation process.

It encourages the agency to reform and sharpen procedures.

It better enables the public and the counties, directly affected by funding decisions, to advise on proposed programs during the appropriations process.

It recognizes the principle that all authority to spend should be within the control of the budget process.

Currently, there are about 200,000 miles of roads and 100,000 miles of trails in the national forest system with an estimated need for an additional 140,000 miles of road and 20,000 miles of trails. It is estimated that additional construction plus reconstruction could cost over $10 billion. Certainly, this is a program that needs to be carefully organized, planned, and executed.

This section represents an important modernization of the fiscal management tools needed to effect an important underlying component of wise natural resource management.

The overall result will be better formulation of a multiple-use road and trail program in a manner that assures timely development of all of the resources in the national forest system.

Tenth. The bill in section 10 provides for the first time a definition of the national forest system. This definition neither adds nor subtracts from the present types of land that are managed by the Forest Service but, heretofore, the system has not been defined by law.

In addition, guidance for the location of Forest Service officers is set forth in order to assure that these largely rural areas will be served by offices which are efficiently located. Reviews by our committee indicate that the Forest Service offices are now satisfactorily located.

Eleventh. Section 11 of the bill was included at the suggestion of the House and readily agreed to by the Senate. The thrust of this bill is to increase the efficiency of existing agencies and not to create a new bureaucracy; to expand the cooperation of existing agencies rather than fostering destructive competition and compartmentalization of effort; and to build on proven performance instead of embarking on a series of experiments.

The Secretary is expected to cooperate to the fullest extent, drawing on all of the assistance that he can secure in order to achieve the purposes of this legislation and to meet his obligations under the laws he is charged with faithfully administering.

The term "renewable resources" is the term that is used in the Multiple-Use and Sustained Yield Act of 1960, and the conferees agreed on its application to all activities of the Forest Service.

This, then, is what the bill is about in some detail.

One of the principal aims of this legislation was to set into motion a comprehensive, integrated factfinding system for renewable resources on forest and rangeland which will provide the base for program design and subsequent implementation.

Another major objective was to develop a tool which will enhance the general public knowledge and thus improve the ability of all public groups to sense their opportunities to function in the national interest and to address their opportunities more effectively.

We resisted the inclination to write prescriptions before the complete diagnosis was made. There are real problems affecting our renewable resources on forest, range, and associated lands that must be addressed. The goal of this bill is to enable them to be sensibly addressed.

The best measure of whether we have charted a reasonable course is to be found in the degree of public support that this legislation has secured. When we started work on this bill 15 months ago, a number of the groups concerned over these renewable forest and range resources were literally at each other's throats. As this bill was being developed, meetings were held with a wide range of groups and individuals representing the entire spectrum of interests.

These are the organizations that support this legislation: the Citizens Committee on Natural Resources, the National Wildlife Federation, the Wildlife Management Institute, the American Forestry Association, the National Association of Counties, the National Parks and Conservation Association, the Association of State Foresters, the Industrial Forestry Association, the Northwest Timber Association, the National Forest Products Association, the American Pulpwood Association, the Western Timber Association, the American Plywood Association, the Sierra Club, the Friends of the Earth, the Wilderness Society, and the National Association of Soil Conservation Districts.

The fact that they could come together and join in support of this legislation, despite the fact that they have other areas of disagreement, speaks well, not for them as organizations, but also demonstrates the substantial merit of the legislation. Earlier bills which sought to treat the subject were the object of wide and deep division.

I would like to compliment the staff of the House committee who worked on this bill, John O'Neal, John Rainbolt,

and Nick Ashmore. They made many useful and constructive contributions and were of great assistance to the conferees. On the Senate committee, we had Harker Stanton, who has now retired, Michael McLeod, Carl Rose, Jim Giltmeir, Sam Thompson, and Jim Thornton. Mr. Carl Rose, who recently joined our staff, is to be particularly commended for his contribution in perfecting the conference language.

I have already mentioned the several people associated with the new Congressional Budget and Impoundment Control Act of 1974 who were of particular assistance. In the private sector, Dr. Richard McArdle was a constant source of wise counsel and objective analysis on key issues.

Finally, Mr. Robert Wolf, Assistant Chief of the Environmental Policy Division of the Congressional Research Service, did yeoman work on all phases and facets of this legislation starting with its conception. He examined past policy development, legislative efforts, analyzed problems, defined the present structure on which policy is formed and the renewable resource situation. As we drafted the legislation, in the various meetings he played a key role in helping us to formulate the concepts that became the language of the bill. On each and every issue he helped us to examine the proposals, test alternatives, and see that we had viable choices which would produce a bill that tied essential elements together.

Chairman TALMADGE, Senator AIKEN, Senator EASTLAND, and Senator HUDDLESTON, Congressman POAGE and Congressman RARICK each made major contributions in giving this legislation prompt and careful attention.

In addition, I would also like to point out the many cosponsors who joined me in supporting S. 2296. They are Senators AIKEN, ALLEN, ABOUREZK, BELLMON, CLARK, DOMENICI, EASTLAND, GRAVEL, HATFIELD, HATHAWAY, HOLLINGS, HUDDLESTON, JACKSON, MAGNUSON, MANSFIELD, MCGEE, MCGOVERN, MCINTYRE, METCALF, MONDALE, MOSS, NELSON, PACKWOOD, STENNIS, STEVENSON, and TALMADGE.

If the cooperation that has been exhibited in formulating and enacting this legislation is continued as we proceed to implement it, I am confident that it will be highly useful and beneficial to achieving better management of the renewable resources on the 1.4 billion acres of natural forest land and natural rangeland that are such an important part of this great 2.3-billion-acre Nation.

The water, soil, plants, and animals on this land, and the air that they influence are the great interrelated processors of our environment. They combine and they interact to maintain life by sustaining each other in a total environment. This legislation, as agreed to by the conferees, strengthens our capacity as a people to promote our well-being and the well-being of future generations.

Mr. President, we have here a good bill which is constructive in purpose and reasonable in approach. I move the adoption of the conference report.

Mr. TALMADGE. Mr. President, it has been an American trait throughout our history—until the very recent past—to utilize our resources and our land recklessly. This has been true of both our renewable and nonrenewable resources. Now in a time of scarcity we must make up for our past negligence. We need to face the facts of the present and also plan for the future.

Planning for wise use of the land and its renewable resources is at the heart of the Forest and Rangeland Renewable Resources Planning Act of 1974 which we consider today. Sound planning over prolonged periods will make it possible for the American taxpayer and his children and grandchildren to realize the full production of all forest benefits within the limits of legal and environmental considerations. It is recognized by all that forest management in this century has trended toward achievement of full production with the aid of research and applied technology. The results are evident on our better managed lands. But we have not done enough by far and we must make substantial improvements in both direction and magnitude of our efforts if we are to make our national forests fully productive for domestic needs and world trade opportunities.

The bill before us, affords all of these opportunities in abundance. When this legislation becomes law the Nation will be able to take giant strides in applying advanced management practices which will enable the forests of the United States to return maximum sustained production to the economy while contributing even more to the welfare and enjoyment of its citizens who value the out-of-doors.

We must face our economic, social, and cultural future squarely and do now what tomorrow it may be too late to do. For the first time we recognize in law that the financial aspects of making forests fully productive requires planning over decades instead of 12 months. In this context we should agree that any forest which is managed in a way which reduces its ability to return the benefits sought by the owner, whether public or private, is a debit rather than a credit to our husbandry of our resources. I subscribe wholeheartedly to statutes which require us as a Nation to do those things which, in our hearts, we know we should do in our enlightened self-interest. This is such a bill.

Mr. METCALF. Mr. President, I want to congratulate the Senate conferees and the House conferees on bringing before us an excellent bill designed to reform and improve the processes used to plan and manage the renewable resources associated with forest and rangeland. I was one of the early sponsors of this legislation. As many of you know I had, before that, a bill of my own that I had been pressing. However, it seemed to me that this bill deals more effectively with the underlying issues that need to be addressed. So I was delighted to cosponsor it and actively support it.

The conferees have combined the best features of both the House and Senate versions.

Enactment of this legislation will set into motion a number of important procedural reforms.

Under this law, using the resources set forth in the 1960 Multiple Use and Sustained Yield Act, the Secretary of Agriculture will prepare, at various intervals, assessments and programs that are national in scope. The assessments and programs will show the total picture and the relationships so that there will be an integrated approach to addressing resource issues rather than one that treats each resource and use independently.

The approaches outlined in this law will create an effective tie with the new Congressional Budget and Impoundment Control Act procedure, thus promoting improved consideration by the Executive and the Congress of annual budget needs with a focus on longer term impacts and effects.

The law will encourage both Executive and congressional responsibility for charting effective courses for renewable resource programs—not only those that deal with Federal lands, but also the cooperative programs that aid State and private efforts on State and private lands.

One of the most important aspects of the legislation is the methodology adopted for getting goals defined in a way that promotes public understanding while at the same time requiring the Executive to regularly advise the Congress on whether they are reasonable and proper goals and, if not, how they should be adjusted.

I am delighted that the conferees adopted the target year concept for the elimination of backlogs of needed conservation work on the national forests as a planning tool. It is my understanding that it is a planning tool and as the new integrated assessments called for come forward there will be a further opportunity to determine whether this date needs to be revised for any particular resource against the array of facts that become available.

The conferees are especially to be commended for the way they resolved the question of how to handle congressional action on the statement of policy that will be used as a guide in framing budget requests. The President and the Congress thus both retain essential flexibility which carries over to the annual budget process.

Finally on the knotty question of how to deal with the concerns over whether the best approach has been used in securing an adequate transportation system on national forest lands, the conferees reached a most useful agreement. As chairman on the Subcommittee on Budgeting, Management and Expenditures of the Committee on Government Operations, and as one who served on the Public Works Committee, I am keenly aware of the need for improved planning and program operation.

In 1964 the Public Works Committee authorized the Forest Service to secure needed roads by reducing the revenue received from the sale of national forest timber, in order that the timber purchasers might build roads. We granted this authority to appropriate revenue without requiring congressional approval, with the distinct understanding that the major expenditures for forest roads

would be under the regular budget process. Recently, the reverse has been true. Almost the total construction program has been financed outside the appropriation process.

In this current year about $190 million in revenue will be foregone to secure needed roads. Less than $10 million will be used in appropriated funds for road construction. The conference language in section 9 will not only bring this activity within the budget process—and this is a significant budget reform—but also it should provide a better way to secure needed roads over the long term, by providing proper authorization and funding levels for the total program.

The side of the program that brought this matter to a head was the impact of foregone revenues on the counties. They get as payments in lieu of taxes 25 percent of the revenues realized from the sale of timber and other renewable resources on the national forests. In fiscal year 1965 their loss of revenue was about $14 million, based on total revenue foregone for timber purchaser roads that were added to the National Forest System of about $56 million. On the other hand the appropriated funds expended were double this amount. In 1975 the counties will experience a loss of about $45 million, while the Federal effort is less than one-tenth what it was in 1965.

Leaving aside the direct concerns of the counties, and they are real and important, the conferees have taken positive and reasonable action to bring a significant item of backdoor spending under the discipline of the appropriations process where it properly belongs. I am confident that we in the Congress will be able to assist in developing a sound approach in the authorization and budget process in order that the result will be to secure better roads on a more timely basis, using all of the authorities provided in the 1964 act in their most efficient way.

I want to express my warm approval of the fact that the Committee on Agriculture worked cooperatively with other congressional committees to develop this budget improvement and thus demonstrated that it shares fully the interest we in Congress have in improved Federal fiscal management. I think this augurs well for the future of the new Congressional Budget and Impoundment Control Act and the cooperation that will occur in effectively carrying out its goals.

This Forest and Rangeland Renewable Resources Planning Act represents a large and useful step toward improved delivery of Federal services and programs to the people in a most important area. This bill has the support of every major conservation and user group concerned with renewable resources. I think they sense that it gives them a way to come together and resolve their differences in order that the needs of all can be properly recognized. On the Federal lands, I am most hopeful, the authority in this law will make multiple-use management under sound sustained yield concepts more effective. On the State and private lands, I am equally hopeful, this law will help achieve more effective commitments and efforts based on individual efforts focused on national goals and interests.

We face serious problems that remain to be solved. The controversies, for example, over cutting methods are not settled. There are genuine concerns about whether the public forests can sustain their present level of harvesting, a higher level or must be managed at a lower harvest level. There are wide differences over management intensity and the ratio of uses.

On rangelands the same sorts of concern exist. Can the number of livestock be managed, and if so at what level, with the browsing game species? How can the land manager more effectively manage game species given the relative uncontrollability of wild game versus livestock? There are fundamental concerns over levels of multiple-use management because intensity of use causes frictions to rise geometrically when levels of use go up arithmetically. The assessments and programs this law will produce will provide a meeting ground to reach sensible decisions, and the evaluation procedures the law includes in section 7 will permit both the Executive and Congress to have a good body of facts upon which to act.

I regret that the conferees struck the language dealing with public participation. It is my understanding that it was done because in their view adequate machinery exists already, and the processes in this new law will be effectively without stating the obvious over and over. I hope the citizens of both rural and urban America will rise to meet their opportunities to participate in the evaluation and decisionmaking process for our renewable resources under this law.

Over these past several years citizens have turned more and more to the courts to seek redress when they thought conservation programs were not in accord with the law. This is entirely proper. However, I cannot help but believe a large part of the problem is that programs are short-circuited by a lack of an effective long-range policy and program, and this legislation will assist in reducing the amount of litigation.

I want to compliment the members of the Committee on Agriculture and especially Senator HUMPHREY, the chief sponsor of the bill, and Senator TALMADGE, Senator AIKEN, Senator EASTLAND, and Senator HUDDLESTON for the attention they gave this bill and the way in which they moved it forward.

Mr. President, I ask unanimous consent to insert at this point in the RECORD my recent exchange of correspondence regarding this legislation with the distinguished chairman of the Committee on Agriculture, Mr. TALMADGE.

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

COMMITTEE ON AGRICULTURE
AND FORESTRY,
Washington, D.C., July 23, 1974.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR LEE: I appreciate receiving your letter of July 12 and your views of S. 2296 as passed by the House.

You will be happy to know that the House and Senate conferees were able to reach agreement on a substitute bill that retains many of the basic features of the Senate bill.

The conferees adopted the term "renewable resources" and defined it as encompassing matters within the jurisdiction of the Forest Service on the date of enactment of the bill.

Although retaining the House provision that the President—and not the Congress—formulate the Statement of Policy to be used in framing budget requests, the conferees agreed to include language providing specifically that Congress may revise or modify the Statement of Policy, and the revised or modified Statement of Policy shall be used in framing budget requests.

In lieu of the Senate provisions on impoundment of funds, the conferees agreed to include language making reference to the Congressional Budget and Impoundment Control Act of 1974. Amounts appropriated to carry out the bill would be required to be expended in accordance with such Act. In addition, the financing of forest development roads by forest product purchasers would be deemed "budget authority" and "budget outlays" as those terms are defined in such Act.

With every good wish, I am
Sincerely,

HERMAN E. TALMADGE,
Chairman.

JULY 12, 1974.

Hon. HERMAN E. TALMADGE,
Chairman, Agriculture and Forestry Committee, Washington, D.C.

DEAR CHAIRMAN TALMADGE: I have just had a chance to review the House version of S. 2296, the Forest and Range Land Environmental Management Act of 1974 and wanted you to have the benefit of my thinking as one of the original sponsors of the Senate bill. You are fully aware of the growing concerns in rural areas where the National Forests abound as to whether their level and style of management meet the needs that exist. I am afraid that H.R. 15283 will be less satisfactory than the Senate bill in coming to grips with issues.

These are the features of S. 2296 which I hope will be retained:

1. The term "renewable resources" expresses the coverage of the bill in the same terms as the 1960 Multiple Use Act whereas the House term "forest and related resources" does not. In Montana we have a significant acreage of the National Forests that are range lands and we also have substantial National Grasslands administered by the Forest Service. I cannot too strongly emphasize the importance of range in the multiple use picture. One of the most attractive features of S. 2296 is that it recognized the fact that the National Forest System is made up of forest and range land in almost equal proportions and that the concepts of multiple use and sustained yield are equally applicable to both.

2. Sec. 8(a) of S. 2296 provides for better public participation. It was strong support from the various segments of the public that are concerned with these resources.

3. Sec. 8(b) of S. 2296 dealing with how Congress will make policy is far preferable to the House approach which would place the Congress in a passive and negative role. Under the House language all we could do is disagree with the Executive while under your language Congress would set the policy after consideration of the Executive recommendations.

4. The proviso in Sec. 8(e) (page 10 line 9–17) and Sec. 9(b) (starting on page 13 line 8) deals with the question of impoundment. The House has removed this language but I think that it would be useful to tie this to the Congressional Budget and Im-

poundment Control Act of 1974 which we just enacted. It seems to me to be especially necessary to retain the controls proposed for Forest Roads in Sec. 9(b).

I served on the Public Works Committee in 1964 and was active in the enactment of Public Law 88-657 (16 U.S.C. 532-538). This codified the Forest Service practice of reducing the price of timber in order that timber purchasers could build roads under timber sale contracts. When we considered that legislation, the Congress was advised that the authority would be used carefully, that it would be applied to those situations where it was the most efficient, that preference was to be given to constructing multi-purpose roads with the Road and Trail funds that were authorized, and all in all the authority would be used so that it would not reduce revenues to the counties or place large road construction burdens on timber purchasers.

The situation that has developed these past few years has been quite the opposite. No multi-purpose roads are being constructed with appropriated funds. All road construction is via timber revenue reductions. Authorizations are going unrequested or impounded with authority lapsing. No trails are being constructed. County payments in lieu of taxes are being drained. And most importantly, good standard advance roads for sound multiple use management are not being designed and constructed.

I hope that the Senate will correct this deplorable situation. As for the USDA position that it wants to make a study I can only say that if the hearing record of the Public Works Committee for the last 16 years is examined, it will be evident that the issue has already been studied and restudied.

The fact is that, since securing these roads by revenue reductions does not show up in the budget, OMB has enforced a policy for fiscal "benefit" that hurts sound resource administration, local governments and all who use the National Forests.

5. Sec. 9(a) of S. 2296 sets the year 2000 as the target year when the backlog of needed conservation work will be reduced to a current basis. This is a most important concept and one which drew to the bill the unified support of all shades of conservation groups. It is the yardstick which can be used to measure how well we are going to meet likely future demands. If there is no commitment to get the backlog of work cleaned up then there will not be any commitment to do the minimum that is required. Dropping this provision will badly vitiate the bill.

In my view S. 2296 has the potential to raise the tone of the management of not only National Forest resources, but also to help promote individual and corporate efforts to secure better management of the renewable resources under their management. I hope the Senate conferees will retain its salient features.

Very truly yours,

LEE METCALF.

Mr. HUMPHREY. Mr. President, I move the adoption of the conference report.

The motion was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the conference report and the joint statement of the Committee of Conference on S. 2296 be printed as a Senate report in accordance with the provisions of the Legislative Reorganization Act of 1946, as amended.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer 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 agrees to the report of the Committee on Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research.

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 House to the bill (S. 2296) 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.

The message further announced that the House has passed, without amendment, the bill (S. 3669) to amend the Atomic Energy Act of 1954, as amended, and the Atomic Weapons Rewards Act of 1955, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 15544) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1975, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. STEED, Mr. ADDABBO, Mr. ROYBAL, Mr. STOKES, Mr. BEVILL, Mr. SHIPLEY, Mr. SLACK, Mr. MAHON, Mr. ROBISON of New York, Mr. MILLER, Mr. VESEY, Mr. YOUNG of Florida, and Mr. CEDERBERG were appointed managers of the conference on the part of the House.

ENROLLED BILL SIGNED

The message also announced that the Speaker has affixed his signature to the enrolled bill (H.R. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. METCALF).

ORDER FOR ADJOURNMENT UNTIL 12 NOON, MONDAY, AUGUST 5, 1974

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 o'clock noon on Monday next.

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

LEGISLATIVE PROGRAM

Mr. HUGH SCOTT. Mr. President, I rise to ask the distinguished majority leader whether we will expect any more votes today and also what the program will be next week. I raise the question with special reference to order No. 975, the so-called Amtrak bill, and order No. 987, the Price-Anderson atomic energy bill.

Mr. MANSFIELD. Calendar No. 975, the Amtrak bill, will be taken up on Thursday next.

Calendar No. 987, the Atomic Energy Act, as amended, will be taken up on Wednesday next.

On Tuesday, it is anticipated that we will take up the Interior Department appropriation bill.

An agreement has already been reached to take up the District of Columbia appropriation bill on Thursday.

We are trying to work out a time now for the Housing and Urban Development appropriation bill early next week.

So we have three other appropriation bills on tap, which will be taken up and disposed of next week.

Mr. HUGH SCOTT. I thank the distinguished majority leader.

Mr. MANSFIELD subsequently said: Mr. President, it is the intention of the leadership to take up the Housing and Urban Development appropriation on Monday.

On Wednesday, we will take up the Atomic Energy legislation having to do with the Price-Anderson Act. That is Calendar No. 987, H.R. 15329.

Also on Wednesday, it is anticipated that we will take up the Interior appropriation bill, which was reported out by the full Appropriations Committee today.

On Thursday, we will take up the District of Columbia appropriation bill, and also Calendar No. 975, S. 3569, a bill to amend the Rail Passenger Service Act of 1970.

That would indicate that in addition to passing three appropriation bills this week, the Senate will consider and hopefully pass three additional appropriation bills next week. It looks like a pretty heavy schedule. There will be votes, I am sure, beginning on Monday.

I would anticipate that this would put the Senate on notice.

I yield to the distinguished Senator from North Dakota.

Mr. YOUNG. I wonder if the distinguished majority leader discussed this with the Republican leadership, and if there is any problem.

Mr. MANSFIELD. Senator SCOTT asked me earlier, and I told him at that time that Interior was coming up on Monday. Since that time I have talked with the

chairman of the subcommittee, the Senator from Nevada, and he indicated that a problem had arisen and he would like it to come up on Monday. So this, in effect, is to coincide with the wishes of the Subcommittee on Interior Appropriations.

RURAL DEVELOPMENT REPORTING REQUIREMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 1000, H.R. 14723.

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

The assistant legislative clerk read as follows:

A bill (H.R. 14723) 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.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. CLARK. Mr. President, this bill involves a technicality, but nevertheless is very important. It has passed the House of Representatives.

Simply stated, Mr. President, it would change the date of the reporting requirement by 5 months.

H.R. 14723 would amend section 901(e) of the Agricultural Act of 1970, as amended, to change the date on which the President is to report to the Congress on the availability of Government-assisted services to rural areas. Under existing law, the President is to make the report not later than September 1 of each fiscal year. H.R. 14723 would change the date to May 1.

Mr. CURTIS. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CURTIS. 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. CURTIS' amendment is as follows:

On page 1, after line 5 add the following new section:

"SEC. 2. That section 901(f) of title IX of the Agriculture Act of 1970 is hereby repealed and the following is added:

"FINANCIAL ASSISTANCE

"(f) Any security based on or backed by a trust or pool of loans or loan participations guaranteed or insured under the Rural Electrification Act of 1936, as amended, or the Consolidated Farm and Rural Development Act may be guaranteed as to timely payment of principal and interest by the Government National Mortgage Association and the provisions of section 306(g) of the National Housing Act (12 U.S.C. 1721(g)) shall apply to such security: *Provided*, That the Administrator shall utilize the fund created in section 301 of the Rural Electrification Act of 1936, as amended, and the Secretary shall utilize the fund created in section 309A of the Consolidated Farm and Rural Development Act to reimburse the Government National Mortgage Association for any disbursements it may be required to make as a result of the guarantee authorized herein."

Mr. CURTIS. Mr. President, last year the Senate adopted S. 2470 to provide a secondary market for guaranteed rural development loans. The bill was cosponsored by the entire membership of the Committee on Agriculture and Forestry. The other body has failed to take action on that legislation.

Subsequently, the Senator from Oklahoma (Mr. BELLMON) introduced S. 3252 which would, among other things, authorize the Government National Mortgage Association to guarantee securities backed by pools of federally guaranteed rural development loans.

During the hearing on S. 3252 the Georgia banker who made the first guaranteed loan under authority of the Rural Development Act of 1972 was asked about the need for a secondary market for guaranteed rural development loans. He stated:

We need someplace to be able to go and say, we've got x number of loans here, we want to sell those so that we can make some more. The estimate is somewhere between $6 and $8 million in loans we could make if we had the money.

Mr. President, the Government National Mortgage Association was created to increase the flow of capital to the housing industry and thereby provide for construction of more decent housing for all Americans.

By authorizing GNMA to guarantee timely payment of principal and interest on securities backed by federally guaranteed rural development loans as proposed in the amendment I am now offering on behalf of the Senator from Oklahoma (Mr. BELLMON) and myself, we will be affording the same opportunity to increase the flow of capital to rural America where it is badly needed.

Mr. President, that is what the amendment would do, and I urge its adoption.

Mr. CLARK. Mr. President, we feel that certainly the amendment is an excellent amendment, and the members of the committee are in favor of it. So we find it acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

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

The bill (H.R. 14723) was read the third time, and passed.

The PRESIDING OFFICER. What is the will of the Senate?

MORE ON THE WAR POWERS LAW AND THE CYPRUS EVACUATION

Mr. EAGLETON. Mr. President, the Defense Department has responded to my remarks of July 31 regarding the failure of the administration to report the introduction of armed forces into Cyprus for the purpose of evacuating Americans. Such a report is, in my opinion, required under section 4(a)(1) of the war powers resolution.

The administration's explanation for failing to report includes the following three points.

First. That the area where American helicopters landed was not part of a hostile zone.

Second. That the mission—namely evacuating Americans and foreign nationals—was "humanitarian."

And third. That our forces were unarmed.

Mr. President, it is not my purpose to question the administration's motive or even its modus operandi in evacuating the innocent victims of a war. Rather, it is to insure that a precedent is not established in the Cyprus case whereby the executive branch assesses a particular situation which may come under the war powers resolution and, on the basis of information available only to the Executive, decides that no report is required under the law.

Let us first ask what we are arguing about. What is so contentious and so provocative about submitting a report to Congress? We are not talking about a struggle over the President's authority. Questions of prior authority were, to my regret, written out of the final version of the war powers bill. All that is required now is an ex post facto report.

Then why all the fuss? Why not err on the side of sending the report instead of arguing over whether the circumstances of the case are within the intent of the legislation?

Section 4(a)(1) is clearly written and, in my opinion, there is no question that it would encompass the landing of forces in Dhekelia, Cyprus, to say nothing of the reported landing of American helicopters at Kyrenia.

That section—that is, section 4(a)(1)—states:

In any case in the absence of a declaration of war in which the United States Armed Forces are introduced . . . into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. . .

Section 4(a)(1) says nothing about excluding humanitarian missions. Nor does it state that unarmed forces need not be reported.

We come down then to the central issue: was it a hostile area? If the administration argues that hostilities were not in evidence in Dhekelia and in Kyrenia, there is little that Congress can do to confirm that assertion, at least within 48 hours. But we do not need access to classified reports to know that the circumstances on Cyprus on July 22 clearly indicated the possibility of "an imminent involvement in hostilities," as the law states.

Any reasonable person—any person not attempting to split hairs in the style of a corporate lawyer on a tax case—would have to agree with that assessment.

Mr. President, the discussion that has

ensued in the past few days gives me great concern. It seems that instead of insisting on an automatic, routine response by the Executive under section 4, we may now be willing to listen to the Executive's explanation of the event and decide on the basis of that explanation whether the law should be obeyed. Whether or not there is cause for some to accept in good faith the administration's explanation, past experience shows that we cannot depend upon the personal trust which may exist between some Members of Congress and some representatives of the executive branch.

The alleged Gulf of Tonkin attack and the secret bombing of Cambodia are two well-known examples of the overdependence on special relationships and the advantage that accrues to the Executive when he, the Executive, can choose who in Congress he would like to take into his confidence.

The administration's explanation in the Cyprus case, both their public explanation and their private explanation, should be considered moot. The language of section 4(a)(1) is clear enough.

Mr. President, we must take the subjectivity out of the war powers reporting requirement and insist on automatic responses from the executive branch whenever our forces enter a country where there are ongoing hostilities or where there is an imminent threat of such hostilities. That is what the law requires.

If there is doubt whether a report should be sent then the report should be sent. This is the only way that a 535-Member body can protect its statutory prerogative.

May I say, in conclusion, Mr. President, that through the years we labored to get a war powers bill passed by Congress which would try to redress the imbalance that had grown up through the years through many Presidencies. The Chief Executive of the country had taken over more and more authority in the warmaking area. The more the Executive took, the less Congress had, and Congress did not resist. Benignly we stood aside and let the power flow away.

Thus what we tried to do with the war powers bill was to try to redress that drift and to restore the decisionmaking process where Madison and Hamilton said it belonged; namely, in the Congress of the United States. It is for us to determine when and where we go to war. We have the unique authority to declare war.

I opposed the final bill. But by an overwhelming vote the Senate and the House adopted the final conference report. The President of the United States vetoed it and agin, by overwhelming votes, both the Senate and the House overrode his veto.

That is history, Mr. President, and the war powers resolution, be it good or bad, is the law of the land. It is now on the books, and the President of the United States, the Secretary of State, and every citizen of the United States is subject to the law of the land. Were there any doubt about that, that was resolved irrevocably but a few days ago across the street in an eight-to-nothing Supreme Court decision.

Section 4(a)(1) of the war powers resolution is part of the law, and it says in very plain language that when American forces are introduced into an area where there is an imminent threat of hostilities, the President pro tempore of the Senate and the Speaker of the House of Representatives are to be notified. It says nothing about it being humanitarian. It says nothing about whether they are carrying a rifle or bayonet, whether they have boots and helmets on. It says "armed forces."

And armed forces were introduced in Cyprus, albeit for humanitarian purposes, albeit the mission was accomplished successfuly and efficiently.

But that is not the point. The point is if we permit this to go unanswered, if we permit the President to say, "I shall decide when I shall notify Congress under section 4(a)(1) of the war powers resolution," then we shall have started once again, Mr. President, down that endless road of losing our authority.

If we let this go by and say, "OK, Mr. President, I know you are a busy man these days and your Secretary of State is even busier going all over the world and trying to solve some of the most difficult problems of modern diplomacy, so we shall forget about it."

But what happens, Mr. President, the next time there is a Dominican Republic?

What happens under section 4(a)(1) when some future President sends troops somewhere else out into the world and does not notify Congress under section 4(a)(1)? Then we start raising a little cain about it, and he says, "Well, you know, you have established a precedent. You did not ask any notification on the Cyprus situation, so we did not think you really much cared about that; ergo, we just thought you boys were not very serious."

Mr. President, I think the law means what it says, and if it is the law, it is everybody's law and it ought to be enforced.

Those in the Senate, such as the distinguished Senator from New York (Mr. JAVITS), who is now in the Chamber, and who devoted literally years of his life to see that this became law, and those on the Committee on Foreign Relations, who really have primary supervision over matters such as this, and those on the Committee on Armed Services, who have an obvious interest in those matters, should insist that the law be lived up to.

Mr. President, I am not satisfied with the response from the executive branch and their rationale for not reporting to Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, just by way of final note on the speech by the Senator from Missouri (Mr. EAGLETON), which I just heard, it is a fact that I spent years on the war powers resolution.

Obviously, he has had an exchange with the executive branch on this subject. We have been working for some months now on the staff level on the question of implementing the war powers resolution in detail.

I promise the Senator from Missouri that I will carefully examine his views and the exchange he has had with the Executive, and then react appropriately, first to him and then to the Senate.

Mr. EAGLETON. Mr. President, will the Senator yield 1 minute so I might respond?

Mr. JAVITS. I yield.

Mr. EAGLETON. I very much appreciate the Senator's observations. I do not think any other Member of this body has devoted more of his time and his considerable talent to this issue than the distinguished Senator from New York, and in his position as author of the war powers resolution and by his assignment to the Committee on Foreign Relations he is in a particularly advantageous situation, both intellectually and assignmentwise to examine closely what I think to be a very important issue.

Mr. JAVITS. I thank the Senator.

LEGISLATIVE BRANCH APPROPRIATION ACT, 1975—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on H.R. 14012, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ABOUREZK). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14012) making appropriations for the legislative branch for the fiscal year ending June 30, 1975, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

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

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of July 22 at pages 24434–24435.)

Mr. HOLLINGS. Mr. President, I just want to acknowledge the fact that on this afternoon we are missing the presence of the distinguished Senator from New Hampshire (Mr. COTTON). Due to family illness he had to return to New Hampshire. It goes without saying that we could never have obtained the fine result we did in this conference report and throughout all the treatment of the legislative appropriations matters had we not had the wise counsel, guidance and support of Senator COTTON. He has literally been, as the junior Senator that I am and the senior Senator that he is, an inspiration to me to work with over the past several years. We will miss him greatly next year when we once again are working on this matter.

I want to make some comments with relation to what has been going on today

and yesterday, regarding the percentage cuts exacted on the various appropriation bills. As we all know, we instituted a budget committee. I am a member of that budget committee, and we have had an informal caucus because the Republicans have yet to be appointed. I presented a proposal for across-the-board treatment for all appropriations bills in order to bring them into line with the projected $11.4 billion deficit.

In other words, I wanted to cut some $10 billion and have a balanced budget this year in the face of raging inflation.

We have to be realistic. Many Senators as chairmen of subcommittees have worked long and hard. I happen to know the task. As a member of the Subcommittee on Health, Education, and Welfare, I listened to, literally, some 447 witnesses, plus we have received many, many submissions of prepared statements.

I am also on the State, Justice, and Commerce Subcommittee and, of course, I heard all the witnesses with respect to this report.

I only make this comment now: That we are trying to take action on each of these particular appropriations bills as they reach the floor, because we could not obtain action within that budget committee this year. I am going to try to effect some reductions.

Obviously, this comes in midstream. The legislative appropriations bill has already been passed by this body, agreed to in the House, gone to conference and the final amounts have been worked out. The House of Representatives worked its will yesterday rejecting a particular Senate amendment. I am going to move to concur in that particular House action later after we hear our friend from North Dakota.

But the question would be legitimately asked: "Senator, you are so assiduous and intense upon a percentage cut in all of these other appropriations. What about your own legislative appropriation?"

With a percentage cut of some 3 percent in mind, I contacted the House leadership in the persons of the distinguished chairman of the House Appropriations Committee, Mr. MAHON, of Texas, and also the subcommittee chairman, Mr. CASEY, of Texas, with whom I have worked intimately on these measures.

They both told me in no uncertain terms that it could not be taken back to the floor of the House, that they both would strongly oppose such a move.

I do not intend to stand in the well and make some futile motion. I can also acknowledge, almost in the same breath, that by the House action they saved some $21 million yesterday with respect to the west front. They have delayed it.

They have made some progress, as I have already noted. In other words, we got a vote of 192 to 203, losing by 11 votes. That is the third time on the House side we have almost had half of the House go along on the particular proposal, with the unanimous vote of the Senate to go ahead and restore the west central front and have it ready for the Bicentennial. I hope we can still do that. I doubt if we can make it ready for the Bicentennial, since it will not be in this particular appropriations bill.

I think we should be aware and acknowledge affirmatively that an attempt was made—and I will be perfectly willing—to try to make a 3-percent cut. But this was treated by both bodies, and there is no chance of going back on that particular score.

I might emphasize that we ought to look at what are the major items of increase over last year, before some editorialist writes only part of a story.

The House figure, which would not be subjected to any reduction if we went back to conference is $10.7 million; the annualization of the general pay raises the Senate salary items by $5.6 million; the new GSA rental amount for the Senate—we are now going to pay rent for our State offices to GSA—$1.2 million; under joint items there is in an increase for official mail of $8.3 million; the Library of Congress rent to GSA is some $2 million; the GPO, printing and binding, $16 million; and for GAO, the rent and annualization of the general pay raises amounts to about $6.6 million.

This totals a little more than the $46.9 million that we are over the 1974 appropriation, because we did not have one particular payment in here. This is almost $50 million. We are under the budget estimate in this bill, trying to lead the way, some $14 million.

Mr. President, I yield to the Senator from North Dakota, who has attended all our hearings and has given us great leadership throughout on legislative appropriations. He is the senior member of our Appropriations Committee, and he has all 14 appropriation bills under his jurisdiction. One would think that with all the time it takes for the work and everything else, he would not have enough time for the witnesses; but he has attended our hearings and has given us wise counsel.

Mr. YOUNG. Mr. President, I thank the Senator from South Carolina for his generous comments.

The conference report should be adopted. It was approved by all the conferees, and is the best possible bill. As the distinguished chairman of the subcommittee has pointed out, it is considerably below the budget.

I would like to say a word about the across-the-board percentage cuts which are now being applied to appropriations bills. I look with disfavor on that type of procedure. I would rather have an item-by-item approach. This morning, I voted for a 3½-percent cut in the Transportation bill, but this was a case in which both the chairman and the ranking minority member of that subcommittee were unhappy with their own bill; so I felt I should at least consider giving support to the cut proposed by them.

Mr. President, I would like to add a few remarks to the comments of our distinguished chairman of the subcommittee for this legislative bill, Senator HOLLINGS.

This bill as we all know, provides the funds to pay the salaries of all employees of the legislative branch of Government, including the Library of Congress. In addition, it provides the funds to pay the bills for necessary activities that the Congress contracts out with other agencies, such as the Government Printing Office, the General Services Administration, the telephone company, and so on.

The conference agreement results in an increase of $46,969,982 more than was provided for fiscal year 1974. Most of this increase is the result of inflation factors, pay raises, and some additional new positions. The pay raise increase results from the cost-of-living increases that have been applied to all Government agencies and to a lesser degree the raising of the ceiling on certain positions in the Senate which was covered when we passed the Senate version of the bill last month. Overall, the conference agreement is $14,196,735 below the budget estimate for fiscal 1975. This compares very favorably with the Senate bill which was $10,163,861 below the budget estimate.

I think this is a good bill that provides for the necessary functions of both Houses of Congress and I urge my colleagues to support it.

Mr. HOLLINGS. Mr. President, this conference report provides funding for the U.S. Senate, House of Representatives, joint items of the Senate and House, Office of Technology Assessment, Architect of the Capitol, Botanic Garden, Library of Congress, Government Printing Office, General Accounting Office, and Cost Accounting Standards Board for fiscal year 1975. The budget estimates considered in connection with this bill total $722,472,385 and the amount finally approved by the conferees is $708,275,650 and is $14,196,735 under the budget estimates.

Yesterday the House of Representatives by the margin of 11 votes rejected Senate amendment No. 51 that provided $20,900,000 for the restoration of the west central front of the Capitol. In considering the vote of the House of Representatives, I see no reason to continue what seems to be an impasse, and will recommend that the Senate recede from amendment No. 51.

In brief, the west front remains in a status quo situation; namely, there will be neither restoration nor extension of the west front. It is my belief, and this belief has been supported by votes in my favor in the Senate for the last 3 consecutive years, that the last remaining wall of the original Capitol should be restored to its original condition. The question of extension has been put to rest and the House of Representatives is coming toward restoration. The debate yesterday centered on whether restoration should begin before the Bicentennial. I am saddened by the action of the House as I had hoped the Capitol would be ready for the multitudes of visitors that will be coming here in connection with the Bicentennial. We have lost that opportunity as a result of the action of the other body.

As the Senate will recall, the first 34 amendments cover items exclusively for operations and activities of the Senate and, in accordance with custom, are not considered by the House. Also in this regard, the House receded from our amendments to the Capitol buildings

appropriation and the inclusion of the appropriations Senate Office Buildings and Senate Garage under jurisdiction of the Architect of the Capitol. In the first instance, an additional $84,000 was provided to paint the Senate Chamber and adjoining areas as part of the readiness for the Bicentennial celebration, and the latter two accounts are for the maintenance and operation of the Senate Office Buildings and Garage.

In the conference, we agreed to a slight change in amendment No. 31 that will exclude joint committee employees funded by the Senate from the increase in the maximum annual rate of compensation proposed by the Senate.

Also included in amendments 1 through 34 are increased personnel for the Senate computer center, equipment section, and microfilm center, the post office, cabinet shop, and 55 additional positions for the Senate detail of the Capitol police force.

Provision was also made to meet the expanding workload of Senators and maintain their responsiveness to constituents by funding an additional WATS line for each Senator's Washington office, and four WATS lines for each of the two cloakrooms.

For the Joint Economic Committee, the conference report recommends a final appropriation of $950,000. During consideration of this bill by the Senate, it became evident that there were competing interests within the Joint Economic Committee for additional staff. The conferees agreed that the distribution of additional staff and funds is to be determined by the Joint Economic Committee.

With respect to amendments relating to requests for additional personnel for the Library of Congress, the Conferees agreed as follows:

First. Salaries and expenses: a total of 66 additional positions. The Library requested 124 additional positions; the House approved 53 and the Senate approved 80.

Second. Copyright Office: a total of five additional positions. The Library requested 18 new positions; the House denied all new positions and the Senate approved 11.

Third. Congressional Research Service: a total of 85 additional positions. The Library requested 96 additional positions; the House approved 72 positions and the Senate approved the full 96 requested.

For the Government Printing Office, the conferees agreed to $80 million for the printing and binding. In the lone instance at the conference of the Senate receding from an amendment, we agreed to the House amount of $12 million for additional capital for the GPO Revolving Fund.

The House receded on the Senate reductions totaling $480 million for the General Accounting Office and the Cost Accounting Standards Board. These reductions totaling $480 million for the 10-percent reduction in the new payments to the General Services Administration for rental of space in compliance with the general policy adopted by the Senate and House Appropriations Committees.

Finally, Mr. President, I want to note that we retained our amendment dealing with an accounting of appropriated funds and excess foreign currency used as expense money by Members of Congress and staff traveling abroad on official business. A slight modification was made that the reports will be filed with the Secretary of the Senate and Clerk of the House instead of publication in the CONGRESSIONAL RECORD. This is similar to the practice in reporting campaign expenditures and I believe it is a good and workable compromise on behalf of open Government.

Mr. President, I also want to thank the distinguished Senator from Pennsylvania (Mr. SCHWEIKER). He has worked intimately on each of these measures and has given us very strong support in putting through this measure.

I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment as follows:

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

4. The Secretary of the Senate, the Sergeant at Arms and Doorkeeper of the Senate, and the Legislative Counsel of the Senate shall each be paid at an annual rate of compensation of $38,760. The Secretary for the Majority (other than the incumbent holding office on June 15, 1974) and the Secretary for the Minority shall each be paid at an annual rate of compensation of $38,190. The Secretary for the Majority (as long as that position is occupied by such incumbent) may be paid at a maximum annual rate of compensation not to exceed $38,190. The four Senior Counsels in the Office of the Legislative Counsel of the Senate shall each be paid at an annual rate of compensation of $37,620. The Assistant Secretary of the Senate, the Parliamentarian, and the Financial Clerk may each be paid at a maximum annual rate of compensation not to exceed $37,620. The Administrative Assistant in the Office of the Majority Leader, the Assistant Secretary for the Majority, the Administrative Assistant in the Office of the Minority Leader, and the Assistant Secretary for the Minority may each be paid at a maximum annual rate of compensation not to exceed $36,765. The Administrative Assistant in the Office of the Majority Whip and the Administrative Assistant in the Office of the Minority Whip may each be paid at a maximum annual rate of compensation not to exceed $35,625. The two committee employees other than joint committee employees referred to in clause (A), and the three committee employees referred to in clause (B), of section 105(e)(3) of the Legislative Branch Appropriation Act, 1968, as amended and modified, may each be paid at a maximum annual rate of compensation not to exceed $37,050. The four employees other than joint committee employees referred to in such clause (A) and the sixteen committee employees referred to in such clause (B) may each be paid at a maximum annual rate of compensation not to exceed $35,625. The one employee in a Senator's office referred to in section 105(d)(2)(ii) of such Act may be paid at a maximum annual rate of compensation not to exceed $37,050. Any officer or employee whose pay is subject to the maximum limitation referred to in section 105(f) of such Act may be paid at a maximum annual rate of compensation not to exceed $37,050. This paragraph does not supersede (1) any provision of an order of the President pro tempore of the Senate authorizing a higher rate of compensation, and (2) any authority of the President pro tempore to adjust rates of compensation or limitations referred to in this paragraph under section 4 of the Federal Pay Comparability Act of 1970. This paragraph is effective July 1, 1974.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 37 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: $950,000

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

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

SEC. 107. Section 502(b) of the Mutual Security Act of 1954 (22 USC 1754(b)), relating to the use of foreign currency, is amended by striking out the last two sentences and inserting in lieu thereof the following: "Each member or employee of any such committee shall make, to the chairman of such committee in accordance with regulations prescribed by such committee, an itemized report showing the amounts and dollar equivalent values of each such foreign currency expended and the amounts of dollar expenditures made from appropriated funds in connection with travel outside the United States, together with the purposes of the expenditure, including lodging, meals, transportation, and other purposes. Within the first sixty days that Congress is in session in each calendar year, the chairman of such committee shall prepare a consolidated report showing the total itemized expenditures during the preceding calendar year of the committee and each subcommittee thereof, and of each member or employee of such committee or subcommittee, and shall forward such consolidated report to the Clerk of the House of Representatives (if the committee be a committee of the House of Representatives or a joint committee whose funds are disbursed by the Clerk of the House) or to the Secretary of the Senate (if the committee be a Senate committee or joint committee whose funds are disbursed by the Secretary of the Senate).".

Resolved, That the House further insist on its disagreeemnt to the amendment of the Senate numbered 51 to the aforesaid bill.

Mr. HOLLINGS. Mr. President, I move that the Senate concur in the amendments of the House to Senate amendments Nos. 31, 37, and 69 en bloc.

The motion was agreed to.

Mr. HOLLINGS. Mr. President, I move that the Senate recede on amendment No. 51.

The motion was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a table comparing the conference agreements with the amounts for fiscal year 1974, the budget estimates for fiscal year 1975, and the amounts recommended in the House and Senate versions of the bill.

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

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1975 (H.R. 14012)

(1)	New budget (obligational) authority, fiscal year 1974 [1] (2)	Budget estimate of new (obligational) authority, fiscal year 1975 [2] (3)	House Bill (4)	Senate Bill (5)	Conference action (6)
SENATE					
COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE					
Compensation and mileage of the Vice President and Senators	$4,781,505	$4,790,695	----------	$4,790,695	$4,790,695
Expense allowances of the Vice President and majority and minority leaders:					
Vice President	10,000	10,000	----------	10,000	10,000
Majority leader of the Senate	3,000	3,000	----------	3,000	3,000
Minority leader of the Senate	3,000	3,000	----------	3,000	3,000
Total	4,797,505	4,806,695	----------	4,806,695	4,800,695
SALARIES, OFFICERS AND EMPLOYEES					
Office of the Vice President	430,200	548,625	----------	552,045	552,045
Offices of the majority and minority leaders	206,165	213,750	----------	215,460	215,460
Offices of the majority and minority whips	104,640	108,870	----------	110,580	110,580
Office of the Chaplain	23,818	28,500	----------	28,500	28,500
Office of the Secretary	2,425,375	2,683,725	----------	2,691,345	2,691,345
Committee employees	7,745,665	7,955,490	----------	8,069,490	8,069,490
Conference committees:					
Majority	153,070	168,435	----------	174,135	174,135
Minority	153,070	168,435	----------	174,135	174,135
Administrative and clerical assistants to Senators	39,210,700	42,886,800	----------	42,477,540	42,477,540
Office of Sergeant at Arms and Doorkeeper	9,629,930	11,995,740	----------	11,998,500	11,998,500
Offices of secretaries to the majority and minority	248,120	258,960	----------	265,050	265,050
Agency contributions and longevity compensation	4,000,000	4,000,000	----------	4,000,000	4,000,000
Total, Salaries, officers and employees	64,330,753	71,017,330	----------	70,756,780	70,756,780
OFFICE OF THE LEGISLATIVE COUNSEL					
Salaries and expenses	495,740	510,220	----------	521,740	521,740
SENATE PROCEDURE					
Senate procedure (payment to Floyd M. Riddick for compiling precedents)	----------	----------	----------	(5,000)	5,000
CONTINGENT EXPENSES OF THE SENATE					
Senate policy committees	665,760	674,160	----------	685,560	685,560
Automobiles and maintenance	36,000	40,000	----------	40,000	40,000
Inquiries and investigations	16,511,205	16,224,675	----------	16,253,175	16,253,175
Folding documents	81,110	82,045	----------	82,045	82,045
Miscellaneous items	9,632,395	12,959,635	----------	12,921,450	12,921,450
Postage	2,485	2,485	----------	2,485	2,485
Stationery (revolving fund)	25,640	25,450	----------	25,450	25,450
Total, contingent expenses of the Senate	26,954,595	30,008,450	----------	30,010,165	30,010,165
Total, U.S. Senate	96,578,593	106,342,695	----------	106,100,380	106,100,380
HOUSE OF REPRESENTATIVES					
PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS					
Gratuities, deceased members	127,500	----------	----------	----------	----------
COMPENSATION AND MILEAGE FOR THE MEMBERS					
Compensation of Members	20,365,720	20,373,580	$20,373,580	20,373,580	20,373,580
Mileage of Members	210,000	210,000	210,000	210,000	210,000
Total, Members compensation and mileage	20,575,720	20,583,580	20,583,580	20,583,580	20,583,580
HOUSE LEADERSHIP OFFICES					
Salaries and expenses:					
Office of the Speaker	272,065	316,090	316,090	316,090	316,090
Office of the majority floor leader	160,030	228,490	228,490	228,490	228,490
Office of the minority floor leader	141,930	174,185	174,185	174,185	174,185
Office of the majority whip	115,040	188,445	188,445	188,445	188,445
Office of the minority whip	115,040	188,445	188,445	188,445	188,445
Total, House leadership offices	804,105	1,095,655	1,095,655	1,095,655	1,095,655
SALARIES, OFFICERS AND EMPLOYEES					
Compensation and expenses:					
Office of the Clerk	3,539,640	3,726,145	3,726,145	3,726,145	3,726,145
Office of the Sergeant at Arms	6,554,900	6,771,610	6,771,610	6,771,610	6,771,610
Office of the Doorkeeper	2,858,495	3,166,205	3,166,205	3,166,205	3,166,205
Office of the Postmaster	910,895	924,645	924,645	924,645	924,645
Office of the Chaplain	19,770	19,770	19,770	19,770	19,770
Office of the Parliamentarian	194,295	196,020	196,020	196,040	196,020
Compilation of precedents of the House of Representatives	26,680	[3] 195,000	195,000	195,000	195,000
Official reporters of debates	465,550	467,685	467,685	467,685	467,685
Official reporters to committees	518,180	520,395	520,395	520,395	520,392
2 printing clerks for majority and minority caucus rooms	26,630	26,935	26,935	26,935	26,935
Technical assistant, Office of the Attending Physician	23,935	24,205	24,205	24,205	24,205
House Democratic Steering Committee	136,515	148,710	148,710	148,710	148,710
House Republican Conference	136,515	148,710	148,710	148,710	148,710
6 minority employees	211,345	212,115	212,115	212,115	212,115
Total, salaries, officers and employees	15,623,345	16,548,150	16,548,150	16,548,150	16,548,150
COMMITTEE EMPLOYEES					
Professional and clerical employees (standing committees)	8,225,000	8,624,000	8,624,000	8,624,000	8,624,000

Footnotes at end of table.

(1)	New budget (obligational) authority, fiscal year 1974 [1] (2)	Budget estimate of new (obligational) authority, fiscal year 1975 [2] (3)	House Bill (4)	Senate Bill (5)	Conference action (6)
COMMITTEE ON APPROPRIATIONS (INVESTIGATIONS)					
Salaries and expenses	$1,624,865	$1,875,000	$1,875,000	$1,875,000	$1,875,000
OFFICE OF THE LEGISLATIVE COUNSEL					
Salaries and expenses	995,825	1,067,000	1,067,000	1,067,000	1,067,000
MEMBERS' CLERK HIRE					
Clerk hire	74,777,500	80,000,000	80,000,000	80,000,000	80,000,000
CONTINGENT EXPENSES OF THE HOUSE					
Miscellaneous items	8,500,000	13,125,000	12,375,000	12,059,700	12,059,700
Telegraph and telephone	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
Stationery (revolving fund)	2,304,750	2,304,750	2,304,750	2,304,750	2,304,750
Postage stamp allowances	419,330	419,530	419,530	419,530	419,530
Government contributions	6,257,460	6,668,900	6,668,900	6,668,900	6,668,900
Special and select committees	14,919,990	14,618,000	14,618,000	14,618,000	14,618,000
Reporting hearings	422,500	422,500	422,500	422,500	422,500
Furniture	733,000	996,000	996,000	996,000	996,000
Leadership automobiles	60,525	61,095	61,095	61,095	61,095
Revision of laws	39,980	39,980	39,980	39,980	39,980
New edition of the United States Code	100,000				
New edition of the District of Columbia Code		100,000	100,000	100,000	100,000
Total, Contingent expenses of the House	39,757,535	44,755,755	44,005,755	43,690,455	43,690,455
Total, House of Representatives	162,511,395	174,549,140	173,799,140	173,483,840	173,483,840
JOINT ITEMS					
Joint Committee on Reduction of Federal Expenditure	79,120	80,400	80,045	86,100	80,400
CONTINGENT EXPENSES OF THE SENATE					
Joint Economic Committee	891,310	836,070	939,805	894,176	950,000
(Subcommittee on Fiscal Policy)	(135,000)			(135,000)	135,000
Subtotal	1,026,310	836,070	939,805	1,029,176	1,085,000
Joint Committee on Atomic Energy	499,410	531,345	609,855	617,045	611,345
Joint Committee on Printing	319,700	323,190	348,315	354,800	349,100
Joint Committee on Inaugural Ceremonies, 1973	10,000				
Total, contingent expenses of the Senate	1,855,420	1,690,605	1,897,975	2,001,021	2,045,445
CONTINGENT EXPENSES OF THE HOUSE					
Joint Committee on Internal Revenue Taxation	1,021,180	1,106,165	1,106,165	1,106,165	1,106,165
Joint Committee on Defense Production	152,105	154,050	154,050	154,050	154,050
Joint Committee on Congressional Operations	573,290	665,120	600,000	600,000	600,000
Total, contingent expenses of the House	1,746,575	1,925,335	1,860,215	1,860,215	1,860,215
OFFICE OF THE ATTENDING PHYSICIAN					
Medical supplies, equipment, expenses, and allowances	97,700	103,600	103,600	103,600	103,600
CAPITOL POLICE					
General expenses	304,295	474,900	474,900	513,360	513,360
Capitol Police Board	1,214,255	1,214,255	1,214,225	1,214,255	1,214,255
Total, Capitol Police	1,518,550	1,689,155	1,689,155	1,727,615	1,727,615
EDUCATION OF PAGES					
Education of congressional pages and pages of the Supreme Court	161,100	142,780	142,780	142,780	142,780
OFFICIAL MAIL COSTS					
Expenses	30,500,000	38,756,015	38,756,015	38,756,015	38,756,015
CAPITOL GUIDE SERVICE					
Salaries and expenses	343,765	348,760	347,055	348,760	348,760
STATEMENTS OF APPROPRIATIONS					
Preparation	13,000	13,000	13,000	13,000	13,000
Total, Joint Items	36,351,230	44,749,650	44,889,840	45,039,106	45,077,830
OFFICE OF TECHNOLOGY ASSESSMENT					
Salaries and expenses	2,000,000	5,000,000	3,500,000	4,000,000	4,000,000
ARCHITECT OF THE CAPITOL					
OFFICE OF THE ARCHITECT OF THE CAPITOL					
Salaries	1,312,000	1,433,000	1,395,600	1,395,600	1,395,600
Contingent expenses	75,000	410,000	140,000	140,000	140,000
Total, Office of the Architect of the Capitol	1,387,000	1,573,000	1,535,600	1,535,600	1,535,600
CAPITOL BUILDINGS AND GROUND					
Capitol buildings	4,645,000	4,440,000	4,344,500	4,428,500	4,428,500
Reappropriation	115,000		1,127,000	1,127,000	1,127,000
Restoration of west central front of the Capitol ($20,600,000) and master plan for future development of the Capitol grounds and related areas ($300,000)		(300,000)		(20,900,000)	( )
Capitol grounds	1,361,000	1,176,400	1,176,400	1,176,400	1,176,400
Reappropriation of traffic light funds				(250,000)	(250,000)
Additional parking facilities for congressional employees	153,000				
Senate office buildings	7,058,700	6,620,800		6,620,800	6,620,800
Construction of an extension to New Senate Office Building	20,900,000				
Extension of additional Senate Office Building site:					
Reappropriation	174,000				
Senate garage	99,800	103,300		103,300	103,300
House office buildings	9,252,300	8,671,000	8,671,700	8,671,700	8,671,700
Reappropriation	100,000		9,700	9,700	9,700

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1975 (H.R. 14012)—Continued

(1)	New budget (obligational) authority, fiscal year 1974 [1] (2)	Budget estimate of new (obligational) authority, fiscal year 1975 [2] (3)	House Bill (4)	Senate Bill (5)	Conference action (6)
Acquisition of property, construction, and equipment, additional House Office Building (liquidation of contract authority)		($175,000)	($145,000)	($145,000)	($145,000)
Capitol powerplant: operation	$5,221,700	5,443,000	5,443,000	5,443,000	5,443,000
Reappropriation	[4] 80,000				
Total, Capitol buildings and grounds	49,160,500	26,755,200	20,772,300	48,730,400	27,830,400
LIBRARY BUILDINGS AND GROUNDS					
Structural and mechanical care	1,630,800	1,631,000	1,631,000	1,631,000	1,631,000
Reappropriation	[5] 196,000				
Total, Library buildings and grounds	1,826,800	1,631,000	1,631,000	1,631,000	1,631,000
Total, Architect of the Capitol: New budget (obligational) authority	52,374,300	29,959,200	23,938,900	51,897,000	30,997,000
Appropriations	51,709,300	29,959,200	22,802,200	50,510,300	29,610,300
Reappropriations	665,000		1,136,700	1,386,700	1,386,700
Appropriation to liquidate contract authority		(175,000)	(145,000)	(145,000)	(145,000)
BOTANIC GARDEN					
Salaries and expenses	884,700	916,600	916,600	916,600	916,600
LIBRARY OF CONGRESS					
Salaries and expenses	42,302,800	49,778,000	48,432,500	48,572,500	48,460,000
Copyright Office, salaries and expenses	5,432,700	5,962,000	5,798,600	5,879,985	5,839,000
Congressional Research Service, salaries and expenses	11,391,000	13,871,000	13,202,400	13,488,100	13,345,000
Distribution of catalog cards, salaries and expenses	11,085,900	11,215,000	10,581,000	10,581,000	10,581,000
Books for the general collections	1,194,650	1,458,000	1,458,000	1,458,000	1,458,000
Books for the law library	208,500	229,000	229,000	229,000	229,000
Books for the blind and physically handicapped, salaries and expenses	9,894,600	11,490,000	11,416,900	11,416,900	11,416,900
Collection and distribution of library materials (special foreign currency program):					
Payments in Treasury-owned foreign currencies	1,971,400	1,718,500	1,718,500	1,718,500	1,718,500
U.S. dollars	295,600	295,600	295,600	295,600	295,600
Furniture and furnishings	2,868,000	3,340,000	3,312,300	3,325,000	3,319,000
Revision of Annotated Constitution	31,900	34,000	34,000	34,000	34,000
Revision of Hinds' and Cannon's precedents, salaries and expenses	143,400	[6]			
Administrative provisions (attendance of meetings)	(50,000)	(65,000)	(57,500)	(57,000)	(57,500)
Total, Library of Congress	86,820,450	99,391,100	96,478,800	96,998,585	96,696,000
GOVERNMENT PRINTING OFFICE					
Printing and binding	64,000,000	88,136,000	88,136,000	75,000,000	80,000,000
Office of Superintendent of Documents, salaries and expenses	36,871,000	36,078,000	36,078,000	36,000,000	36,000,000
Acquisition of site and general plans and designs of buildings	4,600,000				
Government Printing Office revolving fund	7,400,000	12,000,000	12,000,000	6,000,000	12,000,000
Total, Government Printing Office	112,871,000	136,214,000	136,214,000	117,000,000	128,000,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	109,450,000	123,700,000	121,834,000	121,376,000	121,376,000
COST ACCOUNTING STANDARDS BOARD					
Salaries and expenses	1,500,000	1,650,000	1,650,000	1,628,000	1,628,000
Grand total, new budget (obligational) authority	661,305,668	722,472,385	603,221,280	718,439,511	708,275,650
Consisting of—					
1. Appropriations	660,505,668	722,472,385	602,084,580	717,052,811	706,888,950
2. Reappropriations	800,000		1,136,700	1,386,700	1,386,700
Appropriations to liquidate contract authorizations		(175,000)	(145,000)	(145,000)	(145,000)
Memorandum—Appropriations and reappropriations including appropriations for liquidation of contract authorizations	661,305,668	722,647,385	603,366,280	718,584,511	708,420,650

[1] Includes amounts in Second Supplemental Appropriations Act, 1974 (P.L. 93-305).
[2] Includes amendments totaling $10,319,910 in S. Docs. Nos. 93-66, 93-80, and 93-91.
[3] Includes item previously carried under "Revision of Hinds' and Cannon's Precedents, Library of Congress."
[4] $80,000 reappropriation; $62,413 actual unobligated balance.
[5] $196,000 reappropriation, $150,000 actual unobligated balance.
[6] Estimate transferred to "Compilation of Precedents, House of Representetives."

QUORUM CALL

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

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

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON MONDAY, AUGUST 5, 1974

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes after the joint leaders have been recognized under the precedents on Monday next.

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

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no votes next Monday before the hour of 3:30 in the afternoon.

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

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

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 821.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 821) to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes, which were to strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Delinquency Prevention Act of 1974".

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) juveniles account for almost half the arrests for serious crimes in the United States today;

(2) understaffed, overcrowded juvenile courts, probation services, and correctional facilities are not able to provide individualized justice or effective help;

(3) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of the countless neglected, abandoned, and dependent children, who, because of this failure to provide effective services, may become delinquents;

(4) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse drugs, particularly nonopiate or polydrug abusers;

(5) juvenile delinquency can be prevented through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

(6) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency;

(7) the adverse impact of juvenile delinquency results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources;

(8) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency; and

(9) juvenile delinquency constitutes a growing threat to the national welfare requiring immediate, comprehensive, and effective action by the Federal Government.

PURPOSE

SEC. 3. It is the purpose of this Act—

(1) to provide the necessary resources, leadership, and coordination to develop and implement effective methods of preventing and treating juvenile delinquency;

(2) to increase the capacity of State and local governments and public and private agencies, institutions, and organizations to conduct innovative, effective delinquency prevention and treatment programs and to provide useful research, evaluation, and training services in the area of juvenile delinquency;

(3) to develop and implement effective programs and services to divert juveniles from the traditional juvenile justice system and to increase the capacity of State and local governments to provide critically needed alternatives to institutionalization;

(4) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

(5) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearinghouse to disseminate the findings of such research and all data related to juvenile delinquency;

(6) to provide for the thorough and prompt evaluation of all federally assisted juvenile delinquency programs;

(7) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs;

(8) to assist States and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspension and expulsions;

(9) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents for whose work or activities relate to juvenile delinquency programs;

(10) to establish a new Juvenile Delinquency Prevention Administration in the Department of Health, Education, and Welfare;

(11) to establish an Institute for Continuing Studies of the Prevention of Juvenile Delinquency, to further the purposes of this Act; and

(12) to establish a Federal assistance program to deal with the problems of runaway youth.

DEFINITIONS

SEC. 4. For purposes of this Act—

(1) the term "community-based" means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning, operation, and evaluation of their programs which may include medical, educational, vocational, social, and psychological guidance, training, counseling, drug treatment, alcoholism treatment, and other rehabilitative services;

(2) the term "construction" means acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings);

(3) the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house such machinery, utilities, or equipment:

(4) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug abuse programs, alcohol abuse programs, the improvement of the juvenile justice system, and any program or activity for neglected, abandoned, or dependent youth and other youth who are in danger of becoming delinquent:

(5) the term "local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, and an Indian tribe and any combination of two or more such units acting jointly;

(6) the term "public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(7) the term "Secretary" means the Secretary of Health, Education, and Welfare;

(8) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(9) the term "Federal agency" means any agency in the executive branch of the Federal Government;

(10) the term "drug dependent" has the meaning given it by section 2(g) of the Public Health Service Act (42 U.S.C. 201(g));

(11) the term "Administration" means the Juvenile Delinquency Prevention Administration established by section 101(a);

(12) the term "Director" means the Director of the Administration;

(13) the term "State agency" means an agency designated under section 214(a)(1);

(14) the term "local agency" means any local agency which is assigned responsibility under section 214(a)(6);

(15) the term "Institute" means the Institute for Continuing Studies of the Prevention of Juvenile Delinquency established by section 301(a);

(16) the term "Administrator" means the Administrator of the Institute; and

(17) the term "Council" means the Coordinating Council on Juvenile Delinquency Prevention established by section 501.

TITLE I—JUVENILE DELINQUENCY PREVENTION ADMINISTRATION

ESTABLISHMENT OF ADMINISTRATION

SEC. 101. (a) There hereby is established within the Department of Health, Education, and Welfare the Juvenile Delinquency Prevention Administration.

(b) There shall be at the head of the Administration a Director who shall be appointed by the Secretary. The salary of the Director shall be fixed by the Secretary.

(c) The Director shall be the chief executive of the Administration and shall exercise all necessary powers.

(d) There shall be in the Administration a Deputy Director who shall be appointed by the Secretary. The salary of the Deputy Director shall be fixed by the Secretary. The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

OFFICERS AND EMPLOYEES

SEC. 102. The Secretary may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

VOLUNTARY SERVICES

SEC. 103. Notwithstanding the provisions of section 3679 (b) of the Revised Statutes (31 U.S.C. 665(b)), the Secretary may accept and employ voluntary and uncompensated services in carrying out the provisions of this Act.

CONCENTRATION OF FEDERAL EFFORTS

SEC. 104. (a) The Secretary shall establish overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out his functions, the Secretary shall consult with the Coordinating Council on Juvenile Delinquency Prevention.

(b) In carrying out the purposes of this Act, the Secretary shall—

(1) advise the President as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of rules, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

(3) conduct and support, in cooperation with the Institute for Continuing Studies of the Prevention of Juvenile Delinquency, evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(4) coordinate Federal juvenile programs and activities among Federal agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(5) develop annually, submit to the Council for review, and thereafter submit to the President and the Congress, no later than September 30, a report which shall include an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs, and recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectivenes of such programs;

(6) develop annually, submit to the Council for review, and thereafter submit to the President and the Congress, no later than March 1, a comprehensive plan for juvenile delinquency programs administered by any Federal agency, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system; and

(7) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

(c) The President shall, no later than 90 days after receiving each annual report under subsection (b)(5), submit a report to the Congress and to the Council containing a detailed statement of any action taken or anticipated with respect to recommendations made by each such annual report.

(d)(1) The first report submitted to the President and the Congress by the Secretary under subsection (b)(5) shall contain, in addition to information required by subsection (b)(5), a detailed statement of criteria developed by the Secretary for identifying the characteristics of juvenile delinquency juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

(2) The second such report shall contain, in addition to information required by subsection (b)(5), an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Secretary through the use of criteria developed under paragraph (1).

(e) The third report submitted to the President and the Congress by the Secretary under subsection (b)(6) shall contain, in addition to the comprehensive plan required by subsection (b)(6), a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Secretary by Federal agencies under section 105. Such statement submitted by the Secretary shall include a description of information, data, and analyses which shall be contained in each such development statement.

(f) The Secretary may require Federal agencies engaged in any activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this Act.

(g) The Secretary may delegate any of his functions under this title, except the making of rules, to any officer or employee of the Administration.

(h) The Secretary may utilize the services and facilities of any Federal agency and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(i) The Secretary may transfer funds appropriated under this Act to any Federal agency to develop or demonstrate new methods in juvenile delinquency prevention and treatment and to supplement existing delinquency prevention and treatment programs which the Director finds to be exceptionally effective or for which he finds there exists exceptional need.

(j) The Secretary may make grants to, or enter into contracts with, any public or private agency, institution, or individual to carry out the purposes of this Act.

(k) All functions of the Secretary under this Act shall be administered through the Administration.

JUVENILE DELINQUENCY DEVELOPMENT STATEMENTS

SEC. 105. (a) The Secretary shall require each Federal agency which administers a Federal juvenile delinquency program which meets any criterion developed by the Secretary under section 104(d)(1) to submit to the Secretary a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Secretary may require under section 104(f).

(b) Each juvenile delinquency development statement submitted to the Secretary under subsection (a) shall be submitted in accordance with procedures established by the Secretary under section 104(e) and shall contain such information, data, and analyses as the Secretary may require under section 104(e). Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(c) The Secretary shall review and comment upon each juvenile delinquency development statement transmitted to him under subsection (a). Such development statement, together with the comments of the Secretary, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.

JOINT FUNDING

SEC. 106. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be designated by the Secretary to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Secretary may order any such agency to waive any technical grant or contract requirement (as defined in rules prescribed by the Secretary) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

TITLE II—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—GRANT PROGRAMS

AUTHORIZATION

SEC. 211. The Secretary may make grants to States and local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

ALLOCATION

SEC. 212. (a) In accordance with rules prescribed under this title, funds shall be allocated annually among the States on the basis of relative population of people under 18 years of age. No such allotment to any State shall be less than $150,000, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, no allotment shall be less than $50,000.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purposes of this title. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the States, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

(c) In accordance with rules prescribed under this title, a portion of any allotment to any State under this part shall be available to develop a State plan and to pay that portion of the expenditures which are necessary for efficient administration. Not more than 15 percent of the total annual allotment of such State shall be available for such purposes. The State shall make available needed funds for planning and administration to local governments within the State on an equitable basis.

(d) Financial assistance extended under the provisions of this section shall not exceed 90 percent of the approved costs of any assisted programs or activities. The non-Federal share shall be made only through the use of cash or other monetary instruments.

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS; AUTHORIZATION

SEC. 213. (a) Not less than 25 percent of the funds appropriated for each fiscal year pursuant to this title shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section and section 215.

(b) Among applicants for grants and contracts under this section, priority shall be given to public and private nonprofit organizations or institutions which have had experience in dealing with youth. Not less than 20 percent of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts to such private nonprofit agencies, organizations, or institutions.

(c) The Secretary may make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

(1) develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

(2) develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions;

(4) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system;

(5) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent; and

(6) facilitate the adoption of the recommendations of the Institute as set forth pursuant to section 309.

STATE PLANS

SEC. 214. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes. In ac-

cordance with rules prescribed under this title, such plan shall—

(1) establish or designate a single State agency, or designate any other agency, as the sole agency responsible for the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for supervision of the programs funded under this Act by the State agency by a State supervisory board appointed by the chief executive officer of the State (A) which shall consist of not less than 15 persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice; (B) which shall include representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, youth service departments, or alternative youth systems; (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; and organizations which represent employees affected by this Act; (D) a majority of whose members (including the Chairman) shall not be full-time employees of the Federal Government, the State, or any local government; (E) at least one-third of whose members shall be under the age of 26 at the time of appointment and of whom at least two shall have been under the jurisdiction of the justice system; and (F) which shall have the authority to approve, after consultation with private agencies and alternative youth systems, any proposed modification of a State plan before such proposed modification is submitted to the Secretary;

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

(5) provide that at least 75 percent of the funds received by the State under section 212 shall be expended through programs of local government insofar as they are consistent with the State plan, except that this provision may be waived at the discretion of the Secretary for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewide basis;

(6) provide that the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of the State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure which can most effectively carry out the purposes of this Act and shall provide for supervision of the programs funded under this Act by the local agency by a board which meets the appropriate requirements of paragraph (3);

(7) provide, to the maximum extent feasible, for an equitable distribution of the assistance received under section 212 within the State;

(8) set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system, including an itemized estimated cost of the development and implementation of such programs;

(9) provide that not less than 75 percent of the funds available to such State or to any local government of such State under this part, whether expended directly by the State or by the local government or through contracts with public or private agencies, shall be used for advanced techniques in conjunction with the development, maintenance, and expansion of programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional facilities; such advanced techniques shall include community-based programs and services relating to various aspects of juvenile delinquency, youth service bureaus to assist delinquent and other youth, drug abuse education and prevention programs, alcohol abuse education and prevention programs, programs to encourage youth to remain in school, improvement of probation programs and services, statewide programs designed to increase the use of nonsecure community-based facilities for the commitment of juveniles, and youth-initiated programs and outreach programs designed to assist youth who otherwise would not be reached by assistance programs;

(10) encourage the development of an adequate research, training, and evaluation capacity within the State;

(11) encourage the placement of juveniles in shelter facilities, rather than juvenile detention or correctional facilities, if such juveniles are charged with or have committed offenses which would not be criminal if committed by an adult; discourage the incarceration of juveniles with adults; and encourage the establishment of monitoring systems designed to augment the commitment policies described in this paragraph;

(12) provide assurances that assistance will be available on an equitable basis to deal with all disadvantaged youth, including females, minority youth, and mentally, emotionally, or physically handicapped youth;

(13) provide for procedures which will be established for protecting under Federal, State, and local law the rights of recipients of services and which will assure appropriate privacy with regards to records relating to such services provided to any individual under the State plan;

(14) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title.

(15) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant), to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

(16) provide that the State agency will from time to time, but not less often than annually, review its plan and submit to the Secretary an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary;

(17) contain such other terms and conditions as the Secretary may reasonably prescribe to assure the effectiveness of the programs assisted under this title; and

(18) provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act.

(b) The Secretary shall approve any State plan and any modification thereof that meets the requirements of subsection (a).

(c) In the event that any State fails to submit a plan, or submits a plan, or any modification thereof which the Secretary, after reasonable notice and opportunity for hearing, determines does not meet the requirements of subsection (a), the Secretary shall make the allotment of such State under the provisions of section 212 available to the public and private agencies in such State for programs under sections 213 and 215.

APPLICATIONS

SEC. 215. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under this section or section 213, shall submit an application at such time, in such manner, and containing or accompanied by such information, as the Secretary may prescribe.

(b) In accordance with guidelines established by the Secretary, each such application shall—

(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out one or more of the purposes set forth in section 214;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of the program;

(5) indicate that the applicant has requested the review of the application from the State agency or local agency designated under section 214, when appropriate;

(6) indicate the response of the State agency or the local agency to the request for review and comment on the application;

(7) provide that regular reports on the program shall be sent to the Secretary and to the State agency and local agency, when appropriate; and

(8) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title.

(c) In determining whether or not to approve applications for grants under this title, the Secretary shall consider—

(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of this Act;

(2) the extent to which the proposed program will incorporate new or innovative techniques;

(3) the extent to which the proposed program meets the objectives and priorities of the State plan, when a State plan has been approved by the Secretary under section 214 (b) and when the location and scope of the program make such consideration appropriate;

(4) the increases in capacity of the public and private agency, institution, or individual to provide services to delinquents or youths in danger of becoming delinquent.

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency; and

(6) the extent to which the proposed programs facilitate the implementation of the recommendations of the Institute as set forth pursuant to section 309.

PART B—GENERAL PROVISIONS

WITHHOLDING

SEC. 221. Whenever the Secretary, after giving reasonable notice and opportunity for hearing to a recipient of a grant under this title, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title, or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision,

the secretary shall notify such recipient of his findings and no further payments may be made to such recipient under this title (or in his discretion that the State agency shall not make further payments to specified programs affected by the failure) by the Secretary until he is satisfied that such noncompliance has been, or will promptly be, corrected.

USE OF FUNDS

SEC. 222. (a) Funds paid to any State public or private agency, institution, or individual (whether directly or through a State agency or local agency) may be used for—

(1) securing, developing, or operating the program designed to carry out the purposes of this Act; and

(2) not more than 50 percent of the cost of the construction of innovative community-based facilities for less than 20 persons which, in the judgment of the Secretary, are necessary for carrying out the purposes of this Act.

(b) Except as provided by subsection (a), no funds paid to any public or private agency, institution, or individual under this title (whether directly or through a State agency or local agency) may be used for construction.

PAYMENTS

SEC. 223. (a) In accordance with criteria established by the Secretary, it is the policy of the Congress that programs funded under this title shall continue to receive financial assistance, except that such assistance shall not continue if the yearly evaluation of such programs is not satisfactory.

(b) At the discretion of the Secretary, when there is no other way to fund an essential juvenile delinquency program, the State may utilize 25 percent of the funds available to it under this Act to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.

(c) Whenever the Secretary determines that it will contribute to the purposes of this Act, he may require the recipient of any grant or contract to contribute money, facilities, or services up to 25 percent of the cost of the project involved.

(d) Payments under this title, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, in such installments and on such conditions as the Secretary may determine.

TITLE III—INSTITUTE FOR CONTINUING STUDIES OF THE PREVENTION OF JUVENILE DELINQUENCY

ESTABLISHMENT AND PURPOSE

SEC. 301 (a) There is hereby established an institute to be known as the Institute for Continuing Studies of the Prevention of Juvenile Delinquency. The Institute shall be administered by the Secretary through the Administration.

(b) It shall be the purpose of the Institute to provide a coordinating center for the collection, preparation, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders.

FUNCTIONS

SEC. 302. The Institute shall—

(1) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency;

(2) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information;

(3) disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency;

(4) prepare, in cooperation with educational institutions, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and related matters, including recommendations designed to promote effective prevention and treatment;

(5) devise and conduct in various geographical locations, seminars and workshops providing continuing studies for persons engaged in working directly with juveniles and juvenile offenders;

(6) devise and conduct a training program, in accordance with the provisions of sections 305, 306, and 307, of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel) connected with the prevention and treatment of juvenile delinquency.

(7) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders;

(8) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with respect to new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

(9) encourage the development of demonstration projects in new and innovative techniques and methods to prevent and treat juvenile delinquency;

(10) provide for the evaluation of all programs assisted under this Act in order to determine the results and the effectivenes of such programs;

(11) provide for the evaluation of any other Federal, State, or local juvenile delinquency program, as deemed necessary by the Secretary; and

(12) disseminate the results of such evaluations and research and demonstration activities, particularly to persons actively working in the field of juvenile delinquency.

POWERS

SEC. 303. (a) The functions, powers, and duties specified in this Act to be carried out by the Institute shall not be transferred elsewhere or within any Federal agency unless specifically hereafter authorized by the Congress. In addition to the other powers, express and implied, the Institute may—

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

(4) enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any of the functions of the Institute; and

(5) compensate consultants and members of technical advisory councils who are not in the regular fulltime employ of the United States, at a rate to be fixed by the Administrator of the Institute but not exceeding $75 per diem and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently.

(b) Any Federal agency which receives a request from the Institute under subsection (a) (1) may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute.

ADMINISTRATOR AND STAFF

SEC. 304. (a) The Institute shall have an Administrator who shall be appointed by the Secretary and who shall serve at the pleasure of the Secretary.

(b) The Administrator shall have responsibility for the administration of the organization, employees, enrollees, financial affairs, and other operations of the Institute. He may employ such staff, faculty and administrative personnel as are necessary for the functioning of the Institute.

(c) The Administrator shall have the power to—

(1) acquire and hold real and personal property for the Institute;

(2) receive gifts, donations, and trusts on behalf of the Institute; and

(3) appoint such technical or other advisory councils comprised of consultants to guide and advise the Secretary.

(d) The Administrator may delegate his powers under the Act to such employees of the Institute as he deems appropriate.

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 305. (a) The Secretary shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency.

(b) Enrollees in the training program established under this section shall be drawn from correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel) connected with the prevention and treatment of juvenile delinquency.

CURRICULUM FOR TRAINING PROBLEM

SEC. 306. The Secretary shall design and supervise a curriculum for the training program established by section 305 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program.

ENROLLMENT FOR TRAINING PROGRAM

SEC. 307. (a) Any person seeking to enroll in the training program established under section 305 shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe.

(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 305(b).

(c) While studying at the Institute and while traveling in connection with his study (including authorized field trips), each person enrolled in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code.

ANNUAL REPORT

SEC. 308. The Administrator shall develop annually and submit to the President and each House of the Congress, prior to June 30, a report on the activities of the Institute and on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs.

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

SEC. 309. The Institute, under the supervision of the Secretary, shall conduct a study for the development of standards for juvenile justice. The Institute shall, no later than one year after the date of the enactment of this Act, submit to the President and to each House of the Congress a report based upon such study. Such report shall contain a detailed statement of recommended standards for the administration of juvenile justice at the Federal, State, and local level, and shall recommend—

(1) Federal action, including administrative budgetary, and legislative action, required to facilitate the adoption of such standards throughout the United States; and

(2) State and local action to facilitate the adoption of such standards for juvenile justice at the State and local level.

INFORMATION FROM FEDERAL AGENCIES

SEC. 310. Each Federal agency shall furnish to the Secretary such information as the Secretary deems necessary to carry out his functions under this title.

RECORDS

SEC. 311. Records containing the identity of any juvenile gathered for purposes pursuant to this title may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

TITLE IV—RUNAWAY YOUTH ACT

SHORT TITLE

SEC. 401. This title may be cited as the "Runaway Youth Act".

FINDINGS

SEC. 402. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many such young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

RULES

SEC. 403. The Secretary may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this title.

PART A—GRANT PROGRAM

PURPOSES OF GRANT PROGRAM

SEC. 411. The Secretary is authorized to make grants and to provide technical assistance to localities and nonprofit private agencies in accordance with the provisions of this part. Grants under this part shall be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of runaway youth in the community and the existing availability of services. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with runaway youth.

ELIGIBILITY

SEC. 412. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without the permission of their parents or guardians.

(b) In order to qualify for assistance under this part, an applicant shall submit a plan to the Secretary meeting the following requirements and including the following information. Each house—

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway youth;

(2) shall have a maximum capacity of no more than 20 children, with a ratio of staff to children of sufficient proportion to assure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the child's parents or relatives (if such action is required by State law) and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway house, and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, and the return of runaway youths from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway house is located and for assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without parental consent to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

(7) shall submit annual reports to the Secretary detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

(9) shall submit a budget estimate with respect to the plan submitted by such house under this subsection; and

(10) shall supply such other information as the Secretary reasonably deems necessary.

APPROVAL BY SECRETARY

SEC. 413. An application by a State, locality, or nonprofit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this part and meets the requirements set forth in section 412. Priority shall be given to grants smaller than $75,000. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than $100,000.

GRANTS TO PRIVATE AGENCIES; STAFFING

SEC. 414. Nothing in this part shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway house. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

REPORTS

SEC. 415. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway houses which are funded under this part, with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

(4) their effectiveness in helping youth decide upon a future course of action.

FEDERAL SHARE

SEC. 416. (a) The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 percent. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

PART B—STATISTICAL SURVEY

SURVEY; REPORT

SEC. 421. The Secretary shall gather information and carry out a comprehensive statistical survey defining the major characteristics of the runaway youth population and determining the areas of the Nation most affected. Such survey shall include the age, sex, and socioeconomic background of runaway youth, the places from which and to which children run, and the relationship between running away and other illegal behavior. The Secretary shall report the results of such information gathering and survey to the Congress not later than June 30, 1975.

RECORDS

SEC. 422. Records containing the identity of individual runaway youths gathered for statistical purposes pursuant to section 421 may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

TITLE V—COORDINATING COUNCIL ON JUVENILE DELINQUENCY PREVENTION

ESTABLISHMENT

SEC. 501. There is hereby established, as an independent organization in the executive branch of the Federal Government, a coun-

cil to be known as the Coordinating Council on Juvenile Delinquency Prevention.

MEMBERSHIP

SEC. 502. (a) The Council shall consist of six regular members appointed under subsection (c) and an additional number of ex officio members designated by subsection (b).

(b)(1) The following individuals shall be ex officio members of the Council:

(A) the Secretary (or the Under Secretary of the Department of Health, Education, and Welfare, if so designated by the Secretary);

(B) the Director of the Administration;

(C) the Attorney General or his designee;

(D) the Secretary of Labor (or the Under Secretary of Labor, if so designated by such Secretary);

(E) the Director of the Special Action Office for Drug Abuse Prevention or his designee;

(F) the Secretary of Housing and Urban Development (or the Under Secretary of Housing and Urban Development, if so designated by such Secretary); and

(G) the Administrator of the Institute.

(2) Any individual designated under paragraph (1)(C) or paragraph (1)(E) shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved.

(c) The regular members of the Council shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. At least three members shall not have attained 26 years of age on the date of their appointment.

(d)(1) Except as provided by paragraphs (2) and (3), members of the Council appointed by the President under subsection (c) shall be appointed for terms of four years.

(2) Of the members first appointed to the Council under subsection (c)—

(A) two shall be appointed for terms of one year,

(B) two shall be appointed for terms of two years, and

(C) two shall be appointed for terms of three years, as designated by the President at the time of appointment. Such members shall be appointed within ninety days after the date of the enactment of this title.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until a successor has taken office.

(e) Members of the Council shall be eligible for reappointment to the Council.

(f) The Secretary shall serve as Chairman of the Council. The Director shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(g) The Council shall meet at least six times per year to receive reports and recommendations and to take such actions as may be considered appropriate by members of the Council. A description of the activities of the Council shall be included in the annual report required by section 104(b)(5).

FUNCTIONS

SEC. 503. (a) The Council shall make recommendations to the Secretary at least annually with respect to coordination of the planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(b) The Council shall, through a subcommittee designated by the Chairman, review the activities and administration of the Institute and shall make recommendations with respect to such activities and administration.

EXECUTIVE SECRETARY; STAFF

SEC. 504. (a) The Chairman shall, with the approval of the Council, appoint an Executive Secretary of the Council.

(b) The Executive Secretary shall be responsible for the day-to-day administration of the Council.

(c) The Executive Secretary may, with the approval of the Council, appoint and fix the salary of such personnel as he considers necessary to carry out the purposes of this title.

COMPENSATION AND EXPENSES

SEC. 505. (a) Members of the Council who are full-time employees of the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Council.

(b) Members of the Council who are not full-time employees of the Federal Government shall receive compensation at a rate not to exceed $100 per day, including travel-time for each day they are engaged in the performance of their duties as members of the Council. Members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Council.

TITLE VI—GENERAL PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 601. (a) To carry out the purposes of titles I, II, and III there is authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1975, $75,000,000 for the fiscal year ending June 30, 1976, $125,000,000 for the fiscal year ending June 30, 1977, and $175,000,000 for the fiscal year ending June 30, 1978.

(b) Not more than 5 percent of the funds authorized to be appropriated for any fiscal year to carry out the purposes of this Act may be used for the purposes authorized under title I.

(c) Not more than 10 percent of the funds authorized to be appropriated for any fiscal year to carry out the purposes of this Act may be used for purposes authorized under title III.

(d)(1) To carry out the purposes of part A of title IV there is authorized to be appropriated for each of the fiscal years ending June 30, 1975, 1976, and 1977, the sum of $10,000,000.

(2) To carry out the purposes of part B of title IV there is authorized to be appropriated the sum of $500,000.

(e) There is authorized to be appropriated such sums as may be necessary to carry out the purposes of Title V.

NONDISCRIMINATION PROVISIONS

SEC. 602. (a) No financial assistance for any program under this Act shall be provided unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this Act. The provisions of the preceding sentence shall be enforced in accordance with section 603 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.

EFFECTIVE DATES

SEC. 603. (a) Except as provided by subsection (b), the foregoing provisions of this Act shall take effect on the date of enactment of this Act.

(b) Section 104(b)(5), section 104(b)(6), and section 310 shall take effect at the close of December 31, 1974. Section 105 shall take effect at the close of August 31, 1977.

And to amend the title so as to read: "An Act to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes."

Mr. MANSFIELD. Mr. President, I move that the Senate disagree with the amendments of the House, agree to the conference requested by the House, and that the Chair appoint conferees on behalf of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BAYH, Mr. EASTLAND, Mr. MCCLELLAN, Mr. HART, Mr. BURDICK, Mr. HRUSKA, Mr. HUGH SCOTT, Mr. COOK, and Mr. MATHIAS conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I ask that Calendar 952, H.R. 15276, be indefinitely postponed.

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

Mr. MANSFIELD. 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.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, August 2, 1974, he presented to the President of the United States the following enrolled bills:

S. 2665. An act to provide for increased participation by the United States in the International Development Association and to permit U.S. citizens to purchase, hold, sell, or otherwise deal with gold in the United States or abroad; and

S. 3477. An act to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on Labor and Public Welfare, with an amendment:

S. 3548. A bill to establish the Harry S. Truman memorial scholarships, and for other purposes (Rept. No. 93-1068).

Mr. EAGLETON. Mr. President, I am pleased, on behalf of the Committee on Labor and Public Welfare, to report to the Senate a bill from that committee that pertains to the Harry S. Truman Memorial Scholarship Act.

Mr. President, I started to count the list of cosponsors of this measure, and I just could not complete the addition. I cannot add that fast, and the figures get too high. But it appears, by rough calculation, that better than two-thirds of the U.S. Senate has seen fit to join Senator SYMINGTON, who is the principal sponsor of this measure, and myself in cosponsoring this bill. I think that is an outstanding tribute to the late President of the United States, Harry S. Truman.

Since the Chair is now occupied by a distinguished former Vice President of the United States and former nominee of the Democratic Party for the Presidency (Mr. HUMPHREY), I am pleased to say that the name of HUBERT HUMPHREY appears as one of the very distinguished cosponsors of this measure.

I know of the enormous high regard that HUBERT HUMPHREY and Mrs. Humphrey had for the late President Harry S. Truman and have for his widow, Mrs. Bess Truman. In fact, I think it was one of the greatest days in the life of HUBERT HUMPHREY when, in the 1948 Democratic Convention, as President Truman was renominated at a time when few thought he could win, a relatively obscure Mayor from Minneapolis, Minn., took the floor of the Convention and fought for a cause which then was considered to be unpopular, contentious, and abrasive. That relatively unknown Mayor from Minneapolis, Minn., electrified that Convention and the Nation, and gave impetus and encouragement to the Democratic nominee.

So I think there is an inextricable linkage between the name of HUBERT HUMPHREY and the name of Harry S. Truman, and I am pleased to report this very important bill to the Senate.

The PRESIDING OFFICER (Mr. HUMPHREY). The Chair welcomes the action of the Senator from Missouri. The report will be received and printed.

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

H.R. 16027. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1975, and for other purposes (Rept. No. 93-1069).

SUBMISSION OF A CONFERENCE REPORT ON H.R. 14715

Mr. McGEE submitted a report from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14715) to clarify existing authority for employment of White House Office and Executive Residence personnel, and for other purposes, which was ordered to be printed (Rept. No. 93-1066).

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. JAVITS (for himself, Mr. HUMPHREY, Mr. MUSKIE, Mr. PERCY, Mr. PROXMIRE, Mr. MOSS, Mr. METZENBAUM, and Mr. TUNNEY):

S. 3877. A bill to promote accountability in the executive branch of Government, to require the disclosure of the financial status of public officials, to establish an Office of Legal Counsel to the Congress, and for other purposes. Referred to the Committee on Government Operations.

By Mr. EAGLETON:

S.J. Res. 231. A joint resolution establishing an Emergency Task force on the Economy. Referred to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself, Mr. HUMPHREY, Mr. MUSKIE, Mr. PERCY, Mr. PROXMIRE, Mr. MOSS, Mr. METZENBAUM, and Mr. TUNNEY):

S. 3877. A bill to promote accountability in the executive branch of the Government, to require the disclosure of the financial status of public officials, to establish an Office of Legal Counsel to the Congress, and for other purposes. Referred to the Committee on Government Operations.

NATIONAL INSTITUTIONS REFORM ACT

Mr. JAVITS. Mr. President, I send to the desk for appropriate reference on behalf of myself and Senators HUMPHREY, MUSKIE, and PERCY as the principal sponsors, and with Senators PROXMIRE, MOSS, METZENBAUM, and TUNNEY, the National Institutions Reform Act.

I ask unanimous consent that the bill be received and appropriately referred.

The PRESIDING OFFICER (Mr. HUMPHREY). The bill will be received and appropriately referred.

Mr. JAVITS. Mr. President, this measure provides for the institutionalization of authority in Congress of such a character as to enable it more equally to perform its responsibilities under the Constitution, my view being and the reason for the measure being there has been an enormous shift of power to the executive in the last three decades, much of which we surrendered voluntarily, and then the executive branch has usurped a good deal more power than we handed over.

The National Institutions Reform Act will, I believe, help effectively in the effort to prevent the kind of abuses of power that led to Watergate and the crisis we have been living through. I believe that even as the impeachment inquiry draws to its conclusion, we must take the first steps to prevent the recurrence of similar tragedies in the future. With my colleagues I am seeking to restore the balance of power which shifted so far in favor of the executive branch as to have helped to bring us to this precipice.

I say shift of power because I believe that—partly through circumstance and partly through acquiescence—we in Congress have, during the past three decades, been too ready, even too willing to delegate the people's representation—that which could not be delegated—too ready to surrender that which we had no right to surrender.

For its part, the executive branch has been willing to participate in this process by usurping even more power than we have handed over. It is the personal abuse of this accumulated power that led us to Watergate, and it is this imbalance we must rectify if we are to restore the moral authority of the Federal Government and rebuild our people's faith in their national institutions and in our ability to govern.

One of the great virtues of our system of government lies in the fact that it enables us to examine and correct such past errors without destroying the political process or bringing down the system of government.

What we are seeing in these impeachment proceedings is the reaffirmation that every U.S. citizen—be he President or common man—is subject to the process of law, whatever the cost in personal embarrassment and discomfort.

The process we are now witnessing is, in itself, one reaffirmation of the balance of power between the executive and legislative branches implicit in article I and article II of the Constitution.

My own War Powers Act, passed over Presidential veto last year, was the first step in restoring to Congress some of the power arrogated to the executive in the past. A valuable second step, the Budget Control bill—now law—assures us of a mechanism to allow Congress adequately to determine spending priorities and coordinate spending with revenue raising. This, too, will restore some of our legislative power by enabling Congress to go about the business of budgeting, appropriating and taxing more efficiently.

There are other measures before Congress aimed at equalizing the power of the executive and the legislative branches, but much more is needed. Accordingly, together with my colleagues, I will introduce on Friday the National Institutions Act to assure that Congress takes the initiative in establishing the legislative needs of the country; that the President and his agents are encouraged to see to their constitutional obligations "that the laws be faithfully executed," and that executive accountability for that execution of the laws is rendered into reality.

The provisions of the National Institutions Reform Act, call, specifically, for the following reforms:

First, the President of the United States shall report annually to Congress on the steps he has taken to implement laws and resolutions passed by Congress during its last session. The President in his report to the Congress shall respond to questions from the standing committees of each House to be transmitted by the respective Rules Committees.

After the receipt of the President's report a joint resolution of Congress will be enacted approving or disapproving the actions of the Executive contained in the report, and any disapproval is to specify what steps should be taken by the President to execute the laws in accordance with congressional intent.

Additionally, officials requiring Senate confirmation, the heads of executive departments and agencies and the Domestic Council and the Council on International Economic Policy are required to appear before each House to answer questions at regular intervals.

Finally, Congress will establish a legislative liaison oversight office within each legislative committee to serve on a continuing basis with that executive department or office over which the committee has legislative oversight—analogous to the liaison offices of the respective Government departments now in Congress. These new personnel will serve as the relevant legislative committee's arm in its continuing effort to see that such legislation is faithfully executed into functioning law and regulation.

Second, the Speaker of the House of Representatives is to reply on behalf of the Congress, in an equivalent joint session, with a congressional state of the Union message to the President's state of the Union message; such reply to be based on recommendations of the joint leadership in both Houses and to include a congressional assessment of legislative priorities and a statement of intent as to the manner in which Congress will deal with those priorities; such reply is to include congressional recommendations to the President as to action which he should take to deal with the specific national agenda recommended by the Congress.

Third, a requirement of complete disclosure of the financial assets and liabilities of each Member and candidate for a seat in the House or Senate, the President and Vice President and other official employees of the U.S. Government earning in excess of $20,000, as well as income tax information relevant to the public business. It is very important all appropriate information bearing on a public official's possible conflict of interest be open to the public scrutiny.

Fourth, the establishment of the Office of Legal Counsel to the Congress to provide legal advice and legal opinions to Members and committees, to review executive actions as prescribed by the Congress and to intervene in court actions on behalf of the Congress when there is an issue involving the laws of the United States or the actions of the Congress.

In addition, the Legal Counsel is to represent either House of Congress, any Member or committee of Congress in any legal action in any court, Federal or State, where the validity of U.S. laws, or congressional actions of any kind are at issue in the proceeding. It is important the Congress have an ongoing office to handle the legal problems that have arisen with greater frequency in recent years.

In my speech before the Ripon Society on April 27, 1974, I also discussed several other reforms which were necessary, but these have been incorporated in several bills which have been or are being considered by the Senate.

First, Congress should strengthen the Freedom of Information Act to encourage more complete disclosure and dissemination of all information relating to Government activity that is not circumscribed by new guidelines embracing precisely defined considerations of national security. The Senate has passed the Freedom of Information Act Amendments which are supposed to do just that.

Second, Congress should prohibit the use of electronic surveillance, such as wiretaps without court order; and protect the right of privacy, so cherished by Americans, which has recently been threatened by increased use of computers, data banks, and the exchange of confidential information within the Government. We will be considering in the Government Operations Committee a bill on privacy and I have joined in a bill prohibiting electronic surveillance without court order.

I am fully aware that these proposals are far-reaching and controversial, but they go to the very essentials of the way we govern ourselves.

Mr. President, some of these reforms have been suggested by other bills, including that of the distinguished occupant of the Chair (Mr. HUMPHREY).

They have been suggested by the findings of the Watergate Committee, under Senator ERVIN and Senator BAKER. It is simply an effort to group them together and present them to the Congress as a way to implement its determination, which seems now clear, to establish its authority as the proper check and balance under the Constitution to what has been the runaway power resulting in so many of these excesses which the executive has been given by our inaction, and which the executive has then derogated to itself.

I consider it one of the great reforms of the American system. I know that my colleagues and I who have joined in it will pursue it with the greatest diligence.

Mr. President, I ask unanimous consent that an article appearing in Newsweek magazine, dated May 6, 1974, and a second article appearing in Time magazine, dated May 6, 1974, be included in the RECORD.

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

[From Newsweek, May 6, 1974]

CHECKS AND BALANCES

Some political thinkers already are looking beyond impeachment to a more fundamental task: restoring the balance of power between Congress and the executive branch. In a speech to the Ripon Society in New York last weekend, Republican Sen. Jacob Javits put forth an ambitious set of proposals to recapture some Congressional powers and initiatives that have been surrendered to the Presidency in recent decades.

The main thrust of Javits' plan—which he said would be submitted for legislation—is to force an increased accountability on the executive branch. It would require the President to satisfy Congress yearly that he has implemented its laws (a sideswipe at Presidential impounding of funds). It would establish formal liaison between Congressional committees and executive agencies and limit the scope of executive secrecy and domestic intelligence-gathering. And it calls for a yearly Congressional State of the Union Message by the Speaker of the House, based on a "Congressional assessment of legislative priorities."

The Javits plan is one of many proposed reforms. Historian Arthur Schlesinger wants to eliminate the Vice Presidency; a President who dies in office, he suggests, could be replaced by an Acting Chief Executive pending a special election. Former LBJ aide Jack Valenti, among others, proposes that Presidents be limited to a single six-year term. And Sen. Sam Ervin wants to take the Attorney General out of the Cabinet; the nation's chief law-enforcement officer would be nominated by the President and confirmed by the Senate for a six-year term. Such plans might indeed give Congress more formal authority. But the Constitution already provides the legislative branch with considerable powers, such as the right to declare war. What Congress lacks is not so much authority as the will to assert itself—and that quality is hard to legislate.

[From Time, May 6, 1974]

RESTORING THE FEDERAL BALANCE

One heathy result of the Watergate scandal has been a reappraisal of what the proper constitutional balance between the Executive and Legislative branches of Government should be. Part of the Ervin Committee's report, which is due to be released soon, will concern redressing the current balance, which has shifted too far in favor of the presidency. Moving ahead of the committee, New York Republican Senator Jacob K. Javits, in a speech last week before the liberal Republican Ripon Society, recommended seven measures that would permit Congress to "re-establish itself as a truly coordinate branch of the United States Government." Javits' proposals:

(1) The President should report annually to the Congress on steps he has taken to implement laws and resolutions passed by Congress during its previous session. The President and his Cabinet officers would then submit to questions put by a joint select committee of both houses of Congress.

(2) The Speaker of the House should reply to the President's State of the Union message with a congressional State of the Union message. In an address to a joint session of Congress, he would assess legislative priorities and make recommendations to the President on how he should deal with the proposed congressional agenda.

(3) Congress should cast a vote declaring itself "satisfied" or "unsatisfied" with Executive action taken on measures that it had proposed. A vote of "unsatisfied" would be accompanied by a resolution outlining ways to comply with the congressional design.

(4) Every congressional committee should set up an Executive liaison office to maintain communication with the Executive department that the committee oversees, and guide the Executive in transforming specific pieces of legislation into action.

(5) Congress should require complete disclosure of the financial assets and liabilities of every member and every candidate for the House and Senate. The same disclosure requirement would apply to the President and Vice President and candidates for those offices.

(6) Congress should clarify the term national security and make its application more precise. That done, Congress should encourage more disclosure and dissemination of information relating to Government activity that is not circumscribed by the new national security guidelines.

Concluded Javits: "I am fully aware that these proposals are far-reaching and controversial. They go to the very essentials of the way we govern ourselves. [But] I believe that these measures only restore the constitutional process to that state in which they were intended to function, and that if we are to survive and prosper as a Republic,

Congress must resume its role as a coequal branch of Government."

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

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

S. 3877

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 Institutions Act".

TITLE I—EXECUTIVE ACCOUNTABILITY

SEC. 101. (a) The President shall, at the beginning of each regular session of the Congress (beginning with the session immediately following his assumption of office), report to the Congress on the steps taken to faithfully execute the laws passed by Congress and enacted into law during its preceding session in accordance with the provisions of this section.

(b) Each standing committee of the House of Representatives and the Senate shall, by a majority vote of the members of each such committee, not later than thirty days immediately following the beginning of each regular session of the Congress, report to the Committee on Rules and Administration of its respective House on the specific provisions of law enacted during the previous session and within the subject matter jurisdiction of each such committee which it desires to be included in the report required under subsection (a). Each such committee may propound specific questions relating to the execution of such laws by the President as it desires the President to answer. The Committee on Rules and Administration of each House shall transmit to the President the matter submitted under this subsection.

(c) The report required under subsection (a), including replies to the questions propounded by any such committee, shall be transmitted in writing to the Congress within 30 days after the receipt of the matter transmitted under subsection (b).

(d) (1) Not later than 30 days after the report of the President is received by the Congress, the Committee on Rules and Administration of each House, after consultation with the appropriate standing committee, shall report to its House a joint resolution on the report of the President which approves or disapproves such report. Any joint resolution of disapproval shall also specify in detail the steps to be taken by the President in order to execute any such laws in accordance with the intent of the Congress.

(2) Congress shall complete action on any joint resolution reported under paragraph (1) not later than 60 days after the date on which the report of the President is received by the Congress using the expedited procedures provided for in consideration of reorganization plans under chapter 9 of title 5. U.S.C.

Sec. 102. (a) The head of any executive department or agency, the Director of the Office of Management and Budget, the Director of the Domestic Council, and the Director of the Council of International Economic Policy shall appear in the Senate or the House of Representatives at such time or times as either such House may require for purposes of responding orally to questions propounded by members designated by either such House in accordance with subsection (b).

(b) (1) The questions referred to in subsection (a) may be submitted in writing in advance by any member of the Senate or House of Representatives to the appropriate committee which has jurisdiction of the subject matter of such question. Any such committee shall, in its discretion by majority vote of its members, approve and transmit such question to the head of the appropriate department, agency, Office, or council.

Copies of all questions and invitations shall be submitted to the Committee on Rules and Administration of the Senate or House of Representatives, as appropriate, which shall coordinate the administrative arrangements relating to the appearance of the respondents. Any question to be propounded shall be published in the Congressional Record not less than ten days in advance of the appearance of the respondent.

(2) Whenever any individual appears before the Senate or House of Representatives under the provisions of this section, an additional period of time shall be reserved for oral questions, germane to the subject matter of the written questions submitted under paragraph (1), by any member of the House before which such individual is appearing. Such additional period of time shall be controlled equally by the majority and minority leaders of that House.

Sec. 103. (a) The Standing Rules of the Senate are amended by adding at the end thereof the following new Rule:

"Rule XLV

"Legislative Liaison with executive branch

"1. Each standing committee shall review and study, on a continuing basis, the application, administration, and executive of the laws within its jurisdiction.

"2. Each standing committee shall assign employees to carry out the requirements of paragraph 1. Any such employee may be designated to serve as liaison between the members of the committee and the departments and agencies having executive responsibility for such laws.

"3. Each standing committee shall report, not less often than annually, on its studies and reviews including such comments and recommendations as may be appropriate."

(b) Each executive department and agency for which a congressional liaison is assigned by any committee of the Senate or House of Representatives shall provide such space within its main office building as may be necessary to enable such liaison to carry out his duties. Each congressional liaison for an executive department or agency is authorized to request and obtain such information, with respect to such agency, from any executive agency as may be necessary to carry out his duties. Any such information so requested shall be provided by any such department or agency.

TITLE II—CONGRESSIONAL STATE OF THE UNION

SEC. 204. (a) The Speaker of the House of Representatives shall report to the Congress at the beginning of each regular session of the Congress on the state of the Union (hereinafter in this section referred as the "Congressional state of the union message"). Such report shall include a statement of congressional legislative priorities and recommendations to the executive branch for action which may be required to implement those priorities.

(b) A committee composed of the majority leader and majority whip of the Senate, the Speaker and majority leader of the House of Representatives, the minority leader and minority whip of the Senate, and the minority leader and minority whip of the House shall meet and make recommendations concerning items to be included in the report required under subsection (a).

(c) The Congress shall assemble in joint session to receive the report on the state of the Union from the Speaker of the House of Representatives and the report shall be delivered not later than 30 days after the date on which each such session commences.

(d) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by adding at the end thereof the following new subsection:

"(d) Licensees shall provide public service time to the Speaker of the House of Representatives of the United States to present the congressional state of the Union message.".

TITLE III—FINANCIAL DISCLOSURE

SEC. 301. (a) Each individual referred to in subsection (b) of this section shall file annually, with the Comptroller General, a report containing a full and complete statement of—

(1) the amount of gross and taxable income, total deductions and tax liabilities, as well as tax paid as reflected on his Federal income tax return for the preceding calendar year, and for purposes of this paragraph;

(2) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from his spouse or any member of his immediate family) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value, including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistance, entertainment, travel, and other facilities received by him in kind;

(3) the value of each asset held by him, or by him and his spouse jointly, which has a value in excess of $1,000, and the amount of each liability owed by him or by him and his spouse jointly, which is in excess of $1,000 as of the close of the preceding calendar year;

(4) any transactions in securities of any business entity by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year if the aggregate amount involved in transactions in the securities of such business entity exceeds $1,000 during such year;

(5) all transactions in commodities by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year if the aggregate amount involved in such transactions exceeds $1,000; and

(6) any purchase or sale, other than the purchase or sale of his personal residence, of real property or any interest therein by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year if the value of property involved in such purchase or sale exceeds $1,000.

(b) The provisions of subsection (a) of this section apply to the President, Vice President, each Member of Congress, each officer and employee of the United States (including any member of a uniformed service) who is compensated at a rate in excess of $20,000 per annum, each officer or employee occupying a position in schedule C of the expected service, and each officer or employee of the United States who performs duties of the type generally performed by an individual occupying grade GS-16 of the General Schedule or any higher position (as determined by the Comptroller General regardless of the rate of compensation of such individual), and any individual who is a candidate of a political party in a general election for the office of a Member of Congress but who, at the time he becomes a candidate, does not occupy such office, shall file within one month after he becomes a candidate for such office.

(c) Reports required by this section shall be in such form and contain such information as the Comptroller General may prescribe. The Comptroller General may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchases and

sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

(d) All reports filed under this section shall be maintained by the Comptroller General as public records, which, under such reasonable rules as he shall prescribe, shall be available for inspection by members of the public.

(e) For the purposes of any report required by this section, an individual is considered to be President, Vice President, a Member of Congress, an officer or employee of the United States, or a member of a uniformed service, during any calendar year if he serves in any such position for more than six months during such calendar year.

(f) As used in this section the term—

(1) "income" means gross income as defined in section 61 of the Internal Revenue Code of 1954;

(2) "security" means security as defined in section 2 of the Securities Act of 1933 (15 U.S.C. 77b);

(3) "commodity" means commodity as defined in section 2 of the Commodity Exchange Act (7 U.S.C. 2);

(4) "transactions in securities or commodities" means any acquisition, holding, withholding, use, transfer, or other disposition involving any security or commodity;

(5) "Member of Congress" means a Senator, a Representative, a Resident Commissioner, or a Delegate;

(6) "officer" has the same meaning as in section 2104 of title 5, United States Code;

(7) "employee" has the same meaning as in section 2105 of such title;

(8) "uniformed service" means any of the Armed Forces, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration;

(9) "immediate family" means the child, parent, grandparent, brother, or sister of an individual, and the spouses of such persons; and

(10) "tax" means any Federal, State, or local income tax and any Federal, State, or local property tax.

SEC. 302. Any person who willfully fails to file a report required to be filed under this title, or who knowingly and willfully files a false report required to be filed under this title, shall be fined $2,000, or imprisoned for not more than five years, or both.

SEC. 303. Section 554 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) All written communications and memoranda stating the circumstances, source, and substance of all oral communications made to the agency, or any officer or employee thereof, with respect to any case which is subject to the provisions of this section by any person who is not an officer or employee of the agency shall be made a part of the public record of such case. This subsection shall not apply to communications to any officer, employee, or agent of the agency engaged in the performance of investigative or prosecuting functions for the agency with respect to such case."

SEC. 304. The first report required under this title shall be filed with the Comptroller General not later than May 15 or the calendar year in which this Act is enacted or 30 days following the date of enactment of this Act, whichever is later. Each succeeding report required under this title shall be filed not later than May 15 of each calendar year following the calendar year in which the first report required to be filed under this title is filed.

TITLE IV—OFFICE OF LEGAL COUNSEL TO THE CONGRESS

SEC. 401. (a) There is established in the legislative branch of the Government the Office of Legal Counsel to the Congress (hereinafter referred to as the "Office"), which shall be under the direction and control of the Legal Counsel. The Legal Counsel shall be appointed by a committee consisting of the Speaker of the House of Representatives, the President pro tempore of the Senate, the Minority Leader of the House, and the Minority Leader of the Senate (hereinafter referred to as the "Joint Leadership Committee"). Any appointment as Legal Counsel shall be with the approval of the House of Representatives and the Senate, without regard to political affiliation and solely on the basis of fitness to perform the duties of the office. The Legal Counsel shall be appointed for a term which shall expire at the end of the Congress following the Congress during which he is appointed; except that the Legal Counsel shall be subject to removal at any time by the Joint Leadership Committee or either House of Congress for misconduct or incapacity. The Legal Counsel shall receive compensation at a rate equivalent to level V of the Executive Schedule.

(b) Subject to the availability of appropriation, the Legal Counsel may appoint and fix the compensation of such assistant legal counsels and other personnel as may be necessary to carry on the work of the Office. All personnel of the Office shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of their offices.

(c) The Legal Counsel shall promulgate for the Office such rules and regulations as may be necessary to carry out the duties imposed upon him by this title. He may delegate authority for the performance of any such duty to an officer or employee of the Office. No person serving as an officer or employee of such office may engage in any other business, vocation, or employment while so serving.

SEC. 402. (a) It shall be the duty of the Legal Counsel, subject to professional standards—

(1) to render to committees, Members, and other officers of the Congress, legal opinions upon questions arising under the Constitution and laws of the United States;

(2) to render, upon request, to committees and Members of Congress, advice with respect to the purpose and effect of provisions contained in existing or proposed laws;

(3) to perform such other duties with respect to legislative review of executive actions as shall be prescribed by the Congress;

(4)(A) upon the request of any Member and subject to the direction and control of that Member's House, to intervene or appear as amicus curiae in any action pending in any court of the United States, or of a State or political subdivision thereof, in which there is placed in issue the contsitutional validity or interpretation of any law or regulation of the United States, or the validity of any official proceeding of, or official action taken by either House of Congress, any committee of either House of the Congress, any joint committee, Member, officer, employee, office, or agency of the Congress; and

(B) to represent—

(i) upon request of either House of Congress, that House of Congress;

(ii) upon request of any committee of either House of Congress or any joint committee of the Congress, that committee;

(iii) upon request of any Member of Congress, that Member of Congress;

(iv) upon request of any officer, employee, office. or agency of the Congress, that officer, employee, office, or agency of the Congress in any legal action pending in any court of the United States, or of a State or political subdivision thereof, to which such House of Congress, or that committee, joint committee, Member, officer, employee, office, or agency of the Congress is a party and in which there is placed in issue the validity of any official proceeding of, or official action taken by, that House of Congress, or that committee, joint committee, Member, officer, employee, office, or agency of the Congress.

(b) Upon receipt of written notice from the Legal Counsel that he has undertaken pursuant to subsection (a)(4) of this section to perform any representational service with respect to any designated action or proceeding pending or to be instituted, the Attorney General shall be relieved of responsibility and shall have no authority to perform such service in such action or proceeding except at the request or with the approval of the Legal Counsel or the respective House.

SEC. 403. (a) Subject to applicable rules of practice and procedure, the Legal Counsel shall be entitled as of right to intervene as a party, appear as amicus curiae, or bring a civil action as a party in any action described in section 302(a)(4).

(b) The Legal Counsel, or any attorney in the Office designated by him for that purpose, shall be entitled for the purpose of performing duties imposed upon him pursuant to this title to enter an appearance in any such proceeding before any court of the United States without compliance with any requirement for admission to practice before such court, except that the authorization conferred by this subsection shall not apply with respect to the admission of any person to practice before the Supreme Court of the United States.

SEC. 404. (a) Section 3210 of title 39, United States Code, is amended—

(1) by striking out in subsection (b)(1) "and the Legislative Counsels of the House of Representatives and the Senate" and inserting in lieu thereof the following: "the Legislative Counsels of the House of Representatives and the Senate, and the Legal Counsel of the Congress"; and

(2) by striking out in subsection (b)(2) "or the Legislative Counsel of the House of Representatives or the Senate" and inserting in lieu thereof the following: "the Legislative Counsel of the House of Representatives or the Senate, or the Legal Counsel of the Congress."

(b) Section 3216(a)(1)(A) of such title is amended by striking out "and the Legislative Counsels of the House of Representatives and the Senate" and inserting in lieu thereof the following: "the Legislative Counsels of the House of Representatives and the Senate, and the Legal Counsel of the Congress".

(c) Section 3219 of such title is amended by striking out "or the Legislative Counsels of the House of Representatives or the Senate" and inserting in lieu thereof the following: "the Legislative Counsels of the House of Representatives or the Senate, or the Legal Counsel of the Congress".

TITLE V—MISCELLANEOUS

SEC. 501. Sections 101(d), 103(a), and 104(a), (b), and (c) of this Act are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the contitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 502. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. EAGLETON:

S.J. Res. 231. A joint resolution establishing an Emergency Task Force on the Economy. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. EAGLETON. Mr. President, yesterday I announced my intention to introduce a joint resolution establishing an Emergency Task Force on the Economy. I now send to the desk a copy of the joint resolution, ask that it be printed, and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. EAGLETON. My resolution calls upon the President to appoint four former members of the Council of Economic Advisers, two from Democratic administrations and two from Republican administrations, to serve as the nucleus of an action group that will develop a program over the next 30 days to deal with the current economic crisis. This may sound like an unreasonably short period of time, but I might point out that these are unsually able people and most of them already confront these economic issues on a day-to-day basis. As professors, businessmen, and consultants, they possess a storehouse of knowledge and competence that can be brought to bear in the proper forum. I have included a list of the former members of the Council of Economic Advisers who would be eligible for appointment to the task force. These are clearly economic policymakers of the highest caliber.

This group would be unlike any existing body for several reasons. First, they are charged with developing a plan for action, not just a review of the problem.

Second, they will make recommendations covering the entire scope of economic activity in this country—fiscal, monetary, and regulatory policies of the Federal Government; the role of the banking and investment community, and the needs and activities of small businesses, large corporations, farmers and workers. It would be my hope that Congress would unite in support of a nonpartisan effort to carry out such measures as the task force may propose, and that the President and his advisors would direct their own activities in support of such an action program. I am confident that the public would see such an effort as the best answer to a difficult problem, and would contribute the necessary broad base of support that has been lacking in our economic programs. The third major difference is that this resolution will remove the economic issue from the realm of political dispute and provide for the Nation the best bipartisan professional counsel available.

My distinguished colleague, Mr. BARTLETT, introduced a resolution, Senate Resolution 363, which I cosponsored a few weeks ago. That resolution called for an economic summit meeting among the leaders of government, industry, and labor to deal with the economy. My proposal differs in that it provides a nonpartisan professional approach which, in fact, could develop an agenda which this summit might use.

I would also direct the attention of my colleagues to a story which appeared in this morning's newspapers regarding a meeting between a group of investment bankers and the Secretary of the Treasury. They—that is, the investment bankers—called for a central authority to be established which would coordinate a plan for restoring our capital markets. The high interest rates and lack of investment funds are probably one of the most serious aspects of the current problem. Under the terms of my resolution, the task force would be sensitive to the grave situation in the bond market, just as they would take account of the valid requirements of the other sectors.

Our current focus is on consumer prices, but we should not lose sight of the very real problems elsewhere. I understand that the U.S. Treasury is now paying almost 9 percent interest on hundreds of millions of dollars in 25-year obligations. If the Federal Government is willing to pay that much, where does that leave the homebuyers or, for that matter, even the large corporations that are seeking funds? A coordinated task force effort could develop a consistent economywide plan that would seek to resolve the bond market situation at the same time as it attends to the plight of the consumer.

A task force effort would take into account the needs for redress of the worker whose income has been shaved by inflation. It can look at the needs of the farmer, the small businessman, and the consumer. Many of these groups tend to be left out in the jockeying for the shares of a dwindling economic pie. We must show the American people that the needed economic leadership is going to assert itself and we must set an example of nonpartisan teamwork that the Nation can follow.

Mr. President, I ask unanimous consent that the following list of eligible former members of the Council of Economic Advisers be printed in the RECORD at this point.

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

Former members of the Council of Economic Advisors eligible to serve on the proposed Emergency Task Force on the Economy, and the party of the administration under which they served:

Gardner Ackley, (Democratic), Roy Blough, (Democratic), Karl Brandt, (Republican), Joseph S. Davis, (Republican), James S. Duesenberry, (Democratic), Otto Eckstein, (Democratic), Kermit Gordon, (Democratic), Walter W. Heller, (Democratic), Hendrik S. Houthakker, (Republican), and Neil H. Jacoby, (Republican).

Leon H. Keyserling, (Democratic), John P. Lewis, (Democratic), Paul W. McCracken, (Republican), Arthur M. Okun, (Democratic), Merton J. Pack, (Democratic), Raymond J. Saulnier, (Republican), Ezra Solomon, (Republican), Herbert Stein, (Republican), James Tobin, (Democratic), Robert C. Turner, (Democratic), Henry C. Wallich, (Republican), and Marina von N. Whitman, (Republican).

EXHIBIT 1

S.J. RES. 231

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established an Emergency Task Force on the Economy which shall consist of 2 individuals who were members of the Council of Economic Advisors during a Republican administration and 2 individuals who were members of the Council of Economic Advisors during a Democratic administration, who shall be appointed by the President, and not to exceed 4 additional members to be designated by the members who are appointed by the President, except that no individual shall be appointed who is currently holding a position with the federal government full time.

SEC. 2. It shall be the function of the Emergency Task Force on the Economy to carry out a thorough study of the state of the economy and to report, not later than 30 days after the appointments under the first section of this joint resolution are made, to the President and the Congress on its findings together with a comprehensive plan for dealing with the economic problems identified.

SEC. 3. The members of the Emergency Task Force on the Economy shall elect a chairman and a vice chairman from among the members of the Task Force. The Task Force shall meet at the call of the chairman.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3357

At the request of Mr. MANSFIELD, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of S. 3357, to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation.

S. 3383

At the request of Mr. MCGOVERN, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 3383, to amend title 38 of the United States Code to provide for World War I veterans' pensions.

S. 3548

At the request of Mr. MANSFIELD, the Senator from Colorado (Mr. DOMINICK), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Alaska (Mr. GRAVEL) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 3548, to establish the Harry S. Truman Memorial Scholarships and for other purposes.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 347

At the request of Mr. MANSFIELD, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Resolution 347, authorizing an investigation on the policy and role of the Federal Government on tourism in the United States.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1097

At the request of Mr. DOLE, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of amendment No. 1097, intended to be proposed to the bill (S. 1539) to amend and extend certain acts relating to elementary and secondary education programs, and for other purposes.

AMENDMENT NO. 1549

At the request of Mr. DOMENICI, the Senator from Alaska (Mr. GRAVEL), and the Senator from Minnesota (Mr. MON-

DALE) were added as cosponsors of amendment No. 1549, to extend appropriate health care facilities in all BIA schools, intended to be proposed to the bill (S. 2938) the Indian Health Care Improvement Act.

AMENDMENT NO. 1760

At the request of Mr. SCHWEIKER, the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of amendment No. 1760, intended to be proposed to the bill (H.R. 15323) to provide for public remuneration in the event of nuclear incident.

NOTICE OF HEARING ON NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, August 13, 1974, at 10:30 a.m., in room 2228, Dirksen Senate Office Building, on the following nominations:

Antonin Scalia, of Virginia, to be an Assistant Attorney General, vice Robert G. Dixon, Jr., resigning. (Office of Legal Counsel.)

Richard W. Velde, of Virginia, to be Administrator of Law Enforcement Assistance, vice Donald E. Santarelli, resigned.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

This hearing will be before the full Judiciary Committee, Senator EASTLAND of Mississippi, chairman.

NOTICE CONCERNING A NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Joseph W. Keene, of Louisiana, to be U.S. marshal for the Western District of Louisiana for the term of 4 years (reappointment.)

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, August 8, 1974, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE CONCERNING A NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Wilfred J. Smith, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1973, vice Kieran O'Doherty, term expired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, August 9, 1974, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

THE CRISIS CONFRONTING THE CATTLE INDUSTRY

Mr. BARTLETT. Mr. President, S. 3679 was an emergency measure to provide Government guarantees for loans to livestock producers. Although the measure is now operative, there are still some people who feel that this was special interest legislation and that it will not in any way benefit the American consumer.

A few weeks ago an excellent article appeared in the Waurika News-Democrat, published in Jefferson County, Okla., which vividly describes the impact that the consumer will feel if our cattlemen and beef producers are forced out of business because of interference by the Federal Government in the free market. As a result of the crisis confronting the cattle industry, the American consumer is faced with the prospect of a severe shortage of beef, resulting in much higher prices to the consumer, and the beef which will be available will likely be of much lower quality than most Americans are accustomed to eating.

Mr. President, I ask unanimous consent that this very informative article be printed in full in the RECORD.

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

JEFFCO CATTLEMEN HAVE REAL "BEEF" ON PRICES

"It's playing havoc with the cattle industry," says Paul Hammons of the Waurika Livestock Market.

He's referring to the tumbling price of beef on the hoof, and for Jefferson county, the effects may just be beginning.

Some have called it another crisis, but others in Oklahoma are terming the current slump a disaster.

"It's certainly the worst since 1953 or 1956," Hammons said, "and in many ways it is the worst since the prices have fallen so far."

What the cattlemen are concerned about, making a living, goes deeper this time than just a gripe about prices. They're facing a problem that could have bad effects across the nation: higher prices, beef shortages, lower quality.

Most cattlemen are afraid it's going to get worse before it gets better unless action is taken now by the government to alleviate the effects of the last time it tampered with the law of supply and demand.

What makes the price drop worse and even more confusing for cattlemen are other factors.

"It just doesn't make sense," Johnny Hafner, county extension director said. "Everything else is going up, "Feed, seed, fertilizer, interest, you name it. Prices for other things have doubled and tripled but the cattlemen are watching a year of work go down the drain. There is no way they can make any money this year."

Hammons agreed. "It wouldn't be so bad if other prices were also dropping, but they're not, and on top of that, prices in the grocery stores aren't reflecting the huge cut on cattle prices."

Hammonds' Tuesday auction here reflects it, however.

He used to average about 1200 head a week. Now it is roughly half that, and the prices are almost in half too.

"Steers may bring from 28 to 33 cents and yearling heifers from 25 to 32 cents," he said. "That's bad when you consider the time, effort and prices the cattlemen have put in them. Some are losing thousands of dollars a day."

"What worries me," Hammons said, "is that you can't hurt the food growers without hurting others. Sooner or later the smaller fellows are going to quit and the bigger boys are going to cut back.

"That plus the liquidation of some herds translates into a real beef shortage and much higher prices sometime in the future."

Both Hammons and Hafner say the situation may produce some changes too.

"Consumers may just have to settle for a lower grade of beef," they say.

"The way things are, there will probably be more and more slaughtering right off the grass. No more of this feeding out that costs the profit," Hafner said. Hammons thinks in a year or two consumers will be eating stringier beef as the result.

Jefferson county, as primarily a cow-calf county with over 50,000 calves a year produced, has been the last in the beef production chain to be hit, but the damage here will affect the entire industry.

First hurt were the feed lots, some closing down, others absorbing the costs as best as possible. Then the stocker-feeder operations, some of which are in the county, lost their markets and couldn't get rid of the cattle they'd paid the higher prices for. As the market dried up, the cow-calf operators found all their hard work without a market either.

"A fellow brings in a calf here that he has about $125 in and there's no way it'll bring that at the sale," Hammons said. "They're just not going to pay for it. He has worked a year for nothing."

Hafner said he has heard of very little calf contracting this year as in the past. "I know of one individual who contracted for a herd at 40 cents and put down a $15-a-head deposit. He backed out and figured the $15-a-head deposit loss was less than he'd take on the market. That's tough."

What caused the situation?

Most people point the finger at the freeze on beef prices a year ago which was ordered by President Nixon.

"The industry was singled out and then people started holding back until the freeze was over. That created a shortage and then prices skyrocketed," Hammons explained. By late summer last year consumer demand for beef waned and the backlog of cattle held off the market began to go to slaughter. The glut of over-finished beef sent cattle prices tumbling from August peaks.

Supplies have leveled out since then, but not the prices.

Farm prices are plunging this month, led by beef. The Oklahoma Crop and Livestock Reporting Service said that the livestock index plunged 50 points, eight percent last month to the lowest since December 1972 and 16 percent below a year ago.

Cattle were off $3.20 per hundredweight, averaging $36, and they're already lower. At the same time the index of prices paid by farmers and ranchers was up 16 percent over a year ago.

Hammons and Hafner said it would be a year to 18 months before the market leveled out from the Nixon economists' tampering last year. By that time the small fellows will be gone.

"Most of the drug store cowboys that got

into the business during high prices have gone home now. The first round gave them their tax break and the second round got into their hip pocket," Hammons said.

The other thing that upsets the Jefferson county cattlemen is that no one seems concerned. Nixon has told them they never had it so good. Cattlemen groups are organizing to recommend action and just this week Speaker Carl Albert sent Nixon a letter requesting imports on be beef be reestablished.

That would help, Hammons said, and Hafner said he felt a change in the USDA beef grading process was needed.

"The penalty for not having choice beef can hurt when you can't afford to feed the steer to that point. I think we need quality but we need to be realistic too," he said.

Others are afraid of runs at the market with cattlemen giving up and selling the beef cows. "When that happens the source of supply is going to dry up and we'll really be in trouble," Hammons said.

Most people expect the bigger operators to withstand the current problem by relying on long-term operation and other interests. But Hafner and Hammons agree that Jefferson county residents, and America, may not only be in for stringier beef, but higher beef, and a real shortage.

The effect on the local economy is being felt, too. In a county that used to produce 50,000 calves a year, selling them at 40 cents a pound at an average of 500 pounds, the input into the economy is easy to calculate. The absence of that source of income will also be a disaster to agricultural communities like Waurika, Ryan and Ringling.

CONSUMER PROTECTION AGENCY

Mr. EAGLETON. Mr. President, we have been debating the Consumer Protection Agency proposal for 3 weeks. We have heard the pros and cons—some of my colleagues have alluded to absurdities that would abound if this new agency were established. I, on the other hand, would like to point up a number of cases which highlight the need for such an agency.

Every day the Federal regulatory agencies make decisions which profoundly affect the health and safety of consumers. Routinely only the business interests are represented and virtually all decisions are made without consumer representation.

My work on the cosmetic safety amendments, which I introduced in February, has brought to my attention a number of cases, two of which I would like to share with my colleagues.

The first instance pointing up business' exclusive representation to the detriment of the consuming public involved a deodorant, Mennen E.

In June 1972, Mennen E hit the market. A new underarm aerosol deodorant, the product sought to capitalize on the contemporary fad for vitamin E. The Mennen Co. budgeted some $12 million for initial advertising and sales promotion. a substantial sum even for a cosmetic.

The promotional campaign was very effective, and sales were high. As sales rose, so did consumer complaints. On December 21, 1972, Mennen reported to FDA that it had received 487 adverse-reaction complaints; by March 5, 1973, the figure had reached 704. With an estimated 10 million cans of the product in use, this meant a complaint rate of more than 70 per million units. The normal adverse-reaction rate for an underarm deodorant ranges from 2 to 8 per million units sold.

During this time of soaring complaints, the FDA was holding a series of private meetings with Mennen to try to figure out what action should be taken by the regulatory agency. In the meantime, Mennen E was still on the shelves of grocery stores and drug stores with its label claiming that the product "is made with vitamin E instead of a harsh chemical."

Finally, in April 1973, the FDA negotiations with the Mennen Co. resulted in an agreement whereby the company agreed to discontinue manufacturing the product and the FDA agreed not to initiate enforcement proceedings or to request a voluntary recall. This quiet arrangement between a business and the regulatory agency did little to protect the consumer. The millions of cans of Mennen E on the retail shelves remained there—and I might add were still on the shelves of drug stores in this area as late as February 1974, some 10 months later—and consumers were not informed about the hazards associated with the product.

Another case which I would like to discuss involves the FDA's negotiations with industry regarding the so-called feminine sprays. Since introduced to the market in 1966, sales on this category of products has risen to an estimated $40 million annually. Again, complaints rose with sales, and consumer reports of adverse reaction began to reach the FDA.

In October 1971, FDA scientists reported that four manufacturers admitted receiving 383 complaints of adverse reaction; physicians reported approximately 30 injuries, and the FDA received 18 direct complaints from consumers. Based on this information, the complaint rate for feminine sprays was ten times the "acceptable rate."

Mr. President, I ask unanimous consent that an article entitled "What the FDA Won't Tell You About FDS," by Prof. Joseph A. Page, be printed in the RECORD. Professor Page details the long negotiations of the FDA with industry, and the apparent reluctance of the agency to protect the consumer even in the face of substantial scientific and medical evidence. I should also note that the FDA has yet to publish the often-promised regulations mandating cautionary labeling of these products.

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

WHAT THE FDA WON'T TELL YOU ABOUT FDS

(By Joseph A. Page)

When feminists are looking for a good illustration of what's wrong with American business, they often point to feminine hygiene sprays. Denounced as both useless and hazardous by doctors and promoted through advertising demeaning to women, the sprays are a classic case of adding injury to insult.

One part of the feminine hygiene deodorant story that has not been explained is the federal government's role. For nearly two years, a combination of weak laws and timid administrators has kept the government from taking the steps necessary to protect the public. The latest installment in this continuing story came in February, 1973, when the Food and Drug Administration (FDA) failed to issue long-expected regulations for the sprays and gave no clue to its next step.

Feminine hygiene sprays are not, as their name might imply, related in any way to health; their only function is to guard against "vaginal odor." That such an odor exists has long been known, but that it is anything but normal was hardly suspected before 1966, when the first of these deodorants hit the U.S. market. The sprays usually contain alcohol, scent, an antibacterial (until recently, the now-banned hexachlorophene), and an aerosol propellant.

The medical world is generally skeptical of the sprays. Doctors stress that routine cleanliness is the best protection against odor; as *The Medical Letter* advised its physician-readers recently, "It is unlikely that commercial deodorant feminine hygiene sprays are as effective as soap and water in promotion of a hygienic and odor-free genital surface." For those who have an odor problem soap can't solve, the sprays may actually be a danger. Physicians point out that odors can be a sign of disease, and that by blocking normal warning signs, a too-assiduous use of deodorant could delay needed treatment.

Deodorant sprays left the pages of *Mademoiselle* and attracted government attention because of their enormous commercial success and the numbers of consumer and doctor complaints that followed. The boom began when Alberto-Culver beat its competitors to the market and introduced FDS in 1966. In short order other sprays joined it, but the real expansion did not come until 1969. Then, in a decision that was to vaginal sprays what the 21st Amendment was to brewers, the National Association of Broadcasters decided to reverse its long-standing rule against televised advertisement for "intimate products." At least 30 different brands appeared, some seeking distinction by offering "flavors." (Cupid's Quiver, for example, features raspberry, champagne, jasmine, and orange.) Sales jumped from $20 million in 1969 to $67 million in 1971. To convince women of the need for a product which didn't exist before 1966, the four leading manufacturers spent over $8 million on advertising in 1971. A prime target is the youth market. Last spring, one manufacturer offered spray samples for 25 cents to more than a million women in college. Some 209,000 of them responded.

The market fell off in 1972, mainly because hexachlorophene, an ingredient in some of the sprays, received widespread publicity as being responsible for the deaths of more than 30 babies in France. Vaginal deodorant manufacturers have now removed this toxic chemical from their formulas. (A current TV commercial actually seeks to capitalize on this turn of events by advertising that Warner-Lambert's Pristeen is now free of hexachlorophene—although the company had previously done virtually no labeling or advertising to inform the consumer that Pristeen *did* contain the chemical.) *F-D-C Reports*, a trade publication, has quoted an Alberto-Culver official as insisting that the corner has already been turned and that sales of market leader FDS will soon return to 1971 levels.

MEDICAL PROBLEMS

If this were merely a tale about the wilder fringes of the beauty industry, we might dismiss the story as one more example of how the American economy keeps people in jobs. But evidence is accumulating that vaginal sprays pose serious hazards.

The risks arise from what the sprays do to the sensitive pubic region. In the few years the products have been on the market, there has not been time to determine whether there are any long-term risks. Experts feel the most serious problems may not be ap-

parent until the sprays have been tested over time. In any event, the short-term medical record is alarming enough. The most common reactions are itching, burning, and rashes, often leading to conditions technically known as cervicitis, cystitis, urethritis, vulvitis, and vaginitis. Once the inflammation sets in, it can be persistent; in 18 cases investigated by the government, patients required an average of 30 days to recover.

The government has a responsibility to protect the consumer from hazards like these. The agency responsible, the Food and Drug Administration, has floundered, and the story of its hesitation tells a lot about how government can fail.

Some critics point to sexism as an explanation for the government's failure to take the problem seriously. When Congress, the FDA, and the spray industry are all run by men, they ask, how can women get a fair shake? As one woman commented after a frustrating round with the FDA, the sprays won't be regulated until they are found to cause cancer of the mouth.

GYNECOLOGICAL GRUMBLINGS

The Food, Drug, and Cosmetic Act of 1938 provides the legal framework for FDA authority over the sprays. When the first vaginal deodorants reached the market in October, 1966, there was no regulation requiring that the companies notify the government of his historic event. In fact, the law does not even oblige cosmetics manufacturers to tell the FDA that they are in business, let alone what products they peddle or what ingredients the products contain. There was (and still is) no requirement that companies test cosmetics for safety before marketing them. Only if a cosmetic is adulterated or misbranded can the agency invoke legal sanctions, the most drastic being seizure of the product. But a company can challenge these sanctions in court, and the burden is on the agency to prove that the law has been violated.

From the manufacturer's point of view, there is only one complication in this permissive arrangement. Sometimes, under FDA rules, a cosmetic is not just a cosmetic, but a drug as well. If it is, then the FDA can require the product to meet the same standards as other drugs, most crucial of which are pre-marketing safety tests. The line between "cosmetics" and "drugs" is therefore important, but it is also exceedingly fine. The main test seems to be intent: the law states that a cosmetic may be a drug if it is "intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease," or "is intended to affect the structure or any function of the body."

Until the summer of 1971, the FDA called the sprays cosmetics and let it go at that. Then disturbing signs appeared. Complaints from consumers claiming injury from the sprays were arriving at a rate higher than usual for a cosmetic, and there were sustained grumblings from the medical profession. Several letters from gynecologists describing adverse reactions their patients had suffered after using the sprays appeared in medical journals. Fifteen doctors from the student health service at the University of California at Santa Barbara wrote to Virginia Knauer, President Nixon's Adviser on Consumer Affairs, urging that the sprays be withdrawn from the market.

There was also a prod from elsewhere in the government. The Federal Trade Commission (FTC), responsible for scrutinizing the product's advertisements, formally asked manufacturers to back up their advertising claims with facts. Under the FTC's admittedly cumbersome procedure, this could be a first step toward issuing complaints about deceptive advertising.

The FDA's response was to meet with industry representatives and ask them to cooperate by voluntarily furnishing the agency with information, including safety-test data. The weakness in the Food, Drug, and Cosmetic Act forced the agency to take this approach. Unlike the FTC, which has legal authority to subpoena information from industry, the FDA must rely on the manufacturer's good will.

On August 12, 1971, Gus S. Kass, vice president of Alberto-Culver, complied with the FDA's request, and several other companies sent information on consumer complaints, ingredients and testing. Warner-Lambert, however, chose not to let the agency see any data, despite ads claiming that Pristeen "has been developed out of intensive research and tested in leading hospitals under the supervision of gynecologists."

The Alberto-Culver material described tests performed on animals and humans to determine irritancy, rate of hexachlorophene absorption, and levels of hexachlorophene in the blood (as well as odor evaluations made by trained "sniffers"). But the company omitted information on how much of the spray normally penetrates to internal areas, which is surprising since millions of women had been using the product for several years.

THE RACE TO THE MARKET SHELF

The reason for this less-than-thorough testing was Alberto-Culver's determination to beat the competition to the market shelf. Warner-Lambert was actually the first company to test-market a vaginal deodorant, but Alberto-Culver won the race to national distribution, advertised heavily, and established FDS as the market leader. The competition has yet to recover.

The commercial success entailed certain sacrifices, one of which was adequate safety testing. When FDA's medical officials looked over the Alberto-Culver test data, they were not pleased. "The information contained in these studies does not contribute anything to our understanding of the injuries reported to us," wrote Dr. John Gowdy of the FDA's Bureau of Foods, in a memorandum dated November 24, 1971. Dr. Benson C. Schwartz of the agency's Bureau of Drugs concurred, reporting, "The clinical studies submitted are inadequate and not controlled."

Alberto-Culver put forward the best face it could, especially when FDS was challenged in court. When one woman sued for injuries she attributed to FDS, Alberto-Culver's Gus Kass said in a sworn answer to an interrogatory:

"To determine whether FDS was irritating under use conditions: 31 women *completed* the test over a period of five weeks. The study was conducted under the supervision of a gynecologist. The product was applied to the pubic-vaginal area either two or four times daily. Conclusion: *No* irritation or other abnormality which could be attributed to the use of FDS was observed." [Emphasis added.]

This account makes for an interesting comparison with Dr. Schwartz's description of the same study:

"*Thirty-two* human subjects were started on an uncontrolled study in which each patient was examined by a physician and then given a can of FDS to use either two times a day or four times a day depending on her preference. Each patient was then examined at intervals for signs of irritation or erythema. No smears or cultures were made. Patients were not restricted as to other medications and douches. *One patient dropped out*, leaving 31 subjects. The patient that dropped out did so *because of irritation on the right inner thigh which became progressively worse*, forcing her to drop out of the study after two weeks.

"Comment: The company states they found no irritation or other abnormalities which could be attributed to the use of their product. Upon a careful review of each clinical report form is read, the bias of the showed signs of symptoms of irritation or erythema. *This would give a reaction rate of just under 25 per cent.* Furthermore, if each clinical report form is read, the bias of the examining nurse becomes very obvious as she belittles every possible finding—attempting to blame it on anything but the feminine hygiene deodorant spray." [Emphasis added.]

Recent attempts by public interest advocates to investigate test data sent in by Alberto-Culver and the other companies provoked a flurry of evasive, often contradictory responses at FDA and one unusual result. Shortly after the first request for disclosure, the Alberto-Culver test data was mysteriously and "inadvertently" sent back to the company.

LET THE SPRAYER BEWARE

Between these less-than-reassuring tests and the growing pile of complaints, the FDA was being pushed to act. Internal FDA memoranda prepared by scientists in the Bureau of Foods and the Bureau of Drugs during October, 1971, spelled out the dimensions of the safety problem: four manufacturers admitted receiving 383 complaints, physicians reported approximately 30 injuries, and the FDA received 18 complaints directly from consumers.

The usual reported adverse-reaction rate for cosmetics is one per million units sold. On the basis of the above figures, the rate for vaginal deodorants was running about 10 times higher.

With these facts in hand, the FDA had to confront the problem of what action to take. In typical bureaucratic fashion, its response was to hedge.

What happened within the Bureau of Foods illustrates how promptly regulatory proposals can be watered down as they pass through the pipeline. In an "action memorandum" dated October 19, 1971, a medical official in the Bureau argued for a ban on the sprays:

"I would suggest that products intended to prevent the development of skin odor in the external perineal [genital] area and dispensed from pressurized containers be considered hazardous per se and may not be offered for sale in interstate commerce unless adequate evidence is presented to the FDA that the are safe under reasonable conditions of use. Since no product presently on the market meets these conditions, they should all be recalled and it would be incumbent on those who propose to market such products to determine the offending ingredient or ingredients and take such corrective measures as might be indicated to make the product safe."

This drastic proposal must have horrified his superiors, for on the same day, the office of the acting director issued an action memorandum repeating the earlier memo verbatim, but deleting the recall provision and changing the conclusion to find that the sprays "may be hazardous." This left the Bureau of Foods committed to the requirement of warning labels which the first October 19 memo had proposed as "a less Draconian approach."

Meanwhile, the Bureau of Drugs was also studying the problem and suggesting regulatory approaches. An August 4, 1971, memorandum argued that vaginal deodorants were mislabeled and hence subject to recall:

"The claims made for the product are misleading in that: they imply that one spray will prevent odor all day; they state that the product(s) have been tested by gynecologist(s)—an implied claim of medical efficacy; they state that the product "stops" odor before it starts," implying prophylactic benefit; they state that the product "keeps you fresh all day every day."

implying a change in body function or condition; they imply medical benefit in pathologic vaginal problems which are odiferous and should be treated by a physician . . . Moreover, in permitting these products to masquerade as cosmetics, we presently allow them to be sold with labeling that is false and misleading, lacking adequate precautionary statements and instructions for use."

SIMMONS ON SENSITIVITY

A subsequent Bureau of Drugs memo added the point that the terms "hygiene" and "deodorant" are misleading "as they [the sprays] in no way promote hygiene (either cleanliness or health) nor are these products proven or accepted deodorants in this area." But, instead of pursuing this line (which would have acknowledged the Bureau of Foods' jurisdiction over the sprays as cosmetics), the Bureau of Drugs pressed for an agency finding that sprays containing hexachlorophene were drugs. The memo of October 4 spelled out the reasons:

"1. *The nature of the use* . . . They are intended to be sprayed on and around the perineal area . . . and quite likely in the vaginal area . . .

"2. *The nature of hexachlorophene* . . . It kills bacteria [whose] . . . balance is in fact important to body function . . . Products which alter bodily function are considered to be drugs.

"3. *Recent serious challenges to the safety of hexachlorophene* . . .

"4. *The possibility of masking the need for medical treatment* . . ."

Dr. Henry E. Simmons, director of the Bureau of Drugs, spelled this out in more elegant form in an action memorandum dated October 29, 1971:

"The vulva and vagina represent areas of the body that are in a constant state of change. Marked variation occur daily, hourly, and even momentarily under the influence of hormonal stimulation, sexual stimulation, pregnancy, and normal aging.

"From a psychological standpoint, a physical standpoint, a cultural standpoint, and a sexual standpoint it would be an understatement to call this a sensitive area."

This was sound medical judgment and plain common sense. Moreover, it led to the inescapable conclusion that vaginal deodorants ought to remain out of the hands of consumers until the manufacturers proved their safety with valid data obtained through sound testing procedures. In other words, the products *should* be regulated as drugs. Whether they *could* be classified as drugs under existing law and its interpretation by the FDA and courts was another matter.

In a September 29, 1971 memo to a medical officer in the Bureau of Drugs, the FDA's newly appointed legal counsel Peter Barton Hutt gave his opinion of how the law had been construed: "Antibacterial agents [such as hexachlorophene] in deordorants are not intended to affect a bodily function or prevent disease, but only to promote attractiveness." He added that "a representation that a product contains hexachlorophene may well be sufficient to classify it as a drug claim," but warned that the threat of such a classification would merely induce manufacturers to stop making the claim.

A paper Hutt delivered while a partner in a Washington law firm and general counsel to the cosmetics industry's trade association spelled out the fine distinction the FDA had drawn between a "product that absorbs perspiration or masks its odor, or prevents odor by germicidal or bacteriostatic agents that act upon odor-producing bacteria" (a cosmetic) and a "product designed to reduce perspiration odor by reducing the perspiration itself, through a change in the sweat glands" (a drug).

SLOW DOWN, DON'T MOVE TOO FAST

So near the end of 1971 the FDA was stewing busily, but a firm policy decision on the sprays was never reached. Instead, the agency began to move against hexachlorophene because of increasing evidence that the chemical was unsafe. Since most of the sprays contained hexachlorophene, some officials felt that reducing the amount of the chemical might solve the spray problem. This was at best a partial solution, since neither the FDA nor the companies had yet discovered which ingredient actually caused the irritation. In fact, some of the sprays without hexachlorophene caused as many complaints as the rest.

One approach the FDA took was to urge manufacturers to remove hexachlorophene from the sprays voluntarily. On November 10, 1971, FDA press officer John T. Walden said the agency acted because the chemical was not only potentially harmful but unnecessary. "There is no medical justification for [hexachlorophene] in feminine hygiene deodorant sprays," Walden said. Every ready to pick up the gauntlet, Alberto-Culver President Leonard Lavin immediately sent an angry telegram to HEW Secretary Elliot Richardson and FDA Commissioner Dr. Charles C. Edwards demanding that Walden be fired and claiming that Alberto-Culver had "voluntarily submitted to the FDA scientific findings which completely refute Walden's irresponsible statements." The next day Lavin flew to Washington to meet with Dr. Edwards and repeat his demand. The Commissioner didn't sack Walden, but that wasn't Lavin's real objective. He was out to silence the FDA, and he seemed to succeed, for at the conclusion of the meeting, Dr. Edwards promised he would have no comments for reporters concerning the status of the sprays.

On January 7, 1972, the FDA made its first move, publishing a proposed regulation which, if adopted, would have limited the amount of hexachlorophene in drugs and cosmetics. The use of the chemical in cosmetics could continue only if it served as a "preservative" rather than an active ingredient, at a concentration no higher than 0.1 per cent—and only if manufacturers could not find an alternative preservative. Interested parties were given 60 days to comment.

The FDA never explained the basis for its "preservative" loophole. There was no doubt that the companies were using hexachlorophene as an active ingredient in vaginal deodorants; under this ruling, they could keep on using the toxic chemical in the same amounts as before, calling it a "preservative."

The period for comment expired on March 8, and the usual bureaucratic delay settled over the issue. It took the deaths of 30 babies in France from talcum powder containing hexachlorophene to jar the agency into decisive action. On September 27 the FDA promulgated its final restrictions on the use of hexachlorophene in drugs. The new order retained the preservative loophole and the 0.1-percent limit, but, in response to a written comment submitted by the author and one of his students, it also incorporated a requirement that calculations of the hexachlorophene content in aerosol products be made exclusive of the propellant. A letter from an FDA medical officer in *The New England Journal of Medicine* said "evaporation of the propellant may raise the concentration of hexachlorophene to as high as 95 per cent on the skin immediately after application."

The morning the order was published, industry representatives rushed to the agency and met with FDA compliance officers to argue that the propellant should be included in the hexachlorophene level measurement. The industry, which had already planned to remove hexachlorophene from its sprays, was concerned because the ban would prevent it from selling existing stock. The encounter lasted all of 10 minutes. No FDA scientific personnel attended. That afternoon, following a conference with Peter Hutt, a decision was made to accept the industry position—demonstrating that the agency doesn't always act slowly.

Representatives of women's, labor, and consumer groups met with Dr. Edwards to protest the FDA's decision. Though Dr. Edwards refused to budge on the measurement issue, the FDA did modify its final regulation to ban the use of any hexachlorophene in cosmetics which might come in contact with mucous membranes.

A GAME OF CHARADES

At the same time, an article in the October, 1972, issue of *Ms.* told readers that Bureau of Foods chief Robert M. Shaffner had predicted that by the time the article was published, the FDA would have issued a regulation requiring warning labels for the sprays.

On October 20, an advisory committee of obstetricians and gynecologists set up to counsel the FDA voted its opinion that the sprays should be considered drugs and that there is inadequate evidence of their safety and some presumptive evidence that they are unsafe.

The agency seemed to be regaining momentum. In late January, 1973, word leaked out that the FDA was on the verge of requiring warnings on spray labels, so that an intelligent consumer would think twice about using a vaginal deodorant.

But in less than two weeks the regulations had once again been delayed indefinitely. Despite all the internal memos and valiant efforts of medical officers within the agency, the FDA persisted in being soft on the manufacturers. The companies can continue to use the word "hygiene" on labels, misleading though it may be; they do not have to warn users to seek medical help if certain symptoms appear; they do not have to give directions that would insure that the sprays are not applied with excessive force (or at too close a range) and in such a way that the ingredients will not reach the vaginal orifice.

While failing to come to grips with the problem of vaginal deodorants, the FDA adopted an elaborate scheme of "voluntary regulations" drawn up by the cosmetics industry to create the impression of adequate self-regulation in order to obscure the need for new legislation. Instead of asking for legislation to strengthen its inadequate laws, or using what powers it could to regulate the hazardous, poorly tested sprays, the FDA has continued to cooperate with the industry in delaying reform.

When reluctant regulators administer toothless laws, the result is a charade at the public's expense. It may be a while before a better illustration of this truism comes along. Congress, by failing even to hold hearings on the subject, has long demonstrated its indifference to cosmetics regulation. Whether the saga of the sprays will ruffle this blanket of neglect remains to be seen.

Meanwhile, the FDA has begun to receive complaints of adverse reactions to a deodorant tampon, and has met with the manufacturer to ask politely for a list of ingredients and safety-test data. And so it goes.

Mr. EAGLETON. Mr. President, in my judgment, these two examples of the lack of adequate consumer protection afforded by just this one Federal agency point to the crying need for a Consumer Protection Agency.

A Consumer Protection Agency should redress the balance between industry and consumers, making the decisionmaking

process in regulatory agencies a truly adversarial one. The CPA would have the staff to fully participate in proceedings affecting consumers. It would have the right to be notified that these proceedings are taking place. It would have the right to information relating to these proceedings, whether the information was in the hands of other federal agencies or industry. It would have the authority to conduct its own investigations of issues of substantial importance to consumers, and it could use this information as the basis for requests that regulatory agencies take corrective action.

Unless this bill is approved by the Senate and a Consumer Protection Agency established, we can only look forward to longer lists of Mennen E and feminine sprays situations, and the health and safety of consumers will still remain largely a hit and miss game.

LARGE NUMBER OF MIA'S STILL TO BE ACCOUNTED FOR

Mr. PACKWOOD. Mr. President, earlier this year I spoke of Lt. Robert Brett, Jr., an Oregonian who was lost over Laos in late 1972. He is listed by the U.S. Air Force as missing in action in Indochina. Over a year and a half after the signing of the Paris Peace Agreement, Lieutenant Brett is one of the large number of MIA's still to be accounted for.

During the July congressional recess, Congressman MONTGOMERY of Mississippi went to Southeast Asia specifically to make inquiries concerning the efforts to account for the MIA's. Upon his return, he very generously made his findings available to all Congressmen and Senators. One portion of his remarks particularly struck me and I would like to quote it here. He stated that—

> Any mention of Southeast Asia in the Congressional Record is read by the Communists. They were quite disturbed by the Huber-Zablocki resolution (H. Con. Res. 271), which passed 374–0. The North Vietnamese and Viet Cong sometimes receive information from the Record before our own members of the Four Party Joint Military Team in Saigon.

Mr. President, for the benefit of those North Vietnamese and Vietcong who are reading this RECORD, I would like to restate the resolve of the American people and this Senator that there must be a full accounting for the missing in action.

For too long, for too many years, this Nation was at war in Southeast Asia. We paid an enormous price, as did all peoples, all nations involved in that terrible conflict. And, while the war may have at last ended, and while thousands of our troops have been withdrawn, there is still no peace. And there will be no peace until all of our men have been accounted for.

We ask for nothing more than common decency, Mr. President. We do not wish to intrude, we do not wish to linger any longer than we must. All we want is what is ours. All we require is knowledge—information which will finally provide relief to the thousands of families that have worried for too long. Their lives must not be consumed by anguish any longer. The real tragedy is that the answer could be provided so simply. In search of our lost sons, husbands, and brothers, again and again we ask why can not the Communists find the decency to end this needless sorrow?

Mr. President, this question should be on the lips of every legislator, every decisionmaker in this country. It should weigh heavily on the conscience of the world, just as it does on the hearts of so many Oregonians. This concern is particularly evidenced in the articles that I ask unanimous consent to have printed in the RECORD. They are poignant examples of why we must redouble our efforts in accounting for our MIA's, for Lieutenant Brett, and our lost legion of men.

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

[From the Klamath Falls (Oreg.) Herald and News, June 30, 1974]

MIA: A BITTER PILL TO SWALLOW

(By Lee Juillerat)

Some days are OK, others rougher.

Nothing's been the same for Bob and Florence Brett the past 21 months. Not since their son, Robert Jr., "Lefty," disappeared over hostile Laos skies on Sept. 28, 1972, while flying a secret mission in a controversial F–111 fighter-bomber.

Since being informed Lefty was missing in action, the Bretts have been waging a continuous battle for information on their son.

The fight has taken the senior Brett away from Klamath Falls and across country to many countless meetings, spinning into an endless spiral of frustration.

The latest effort started Friday and continues through Monday afternoon as the Bretts joined hundreds of others with similar frustrations at the annual meeting of the National League of Families of American Prisoners and Missing in Southeast Asia in Omaha, Neb.

"It's one of the few organizations that was formed to go out of business, but we're still in it," frowned Brett. He's a league director.

Purpose of the meeting will be to devise ways and means to get the American public concerned enough about the 1,100 men who are still prisoners of war or missing in action.

"If the American public allows the administration to write these men off, and as each day passes it becomes more and more evident this is the administration's policy, then I feel it is a national tragedy, a national shame, that each citizen will have to bear the responsibility for," believes Brett.

BITTER PILL

A man of opinions, the retired Air Force colonel's feelings and thoughts have hardened since his son's disappearance. It's been a bitter pill to swallow.

"I fully realize the country would like to forget the Vietnam war. But these are troubled times and some days in the future our young men will again be called upon to make sacrifices in the national interest.

"But, despite my 31 years of active military service through three wars, including a tour of Vietnam, the United States will never get another son of ours if this nation can so shamefully abandon our son."

Speaking slowly, carefully, the 52-year-old Brett is pessimistic about the future.

"Any thinking parent may well question sacrificing a son for a political decision while knowing full well he may also be abandoned by the very men who should be most concerned about their ultimate fate.

"I feel very strongly there is a lack of moral, courageous leadership in both the administration and Congress. It becomes more evident to we POW–MIA families from the tragedy of Korea, when the United States of America shamefully abandoned 389 known prisoners of war through an administrative decision of issuing presumptive findings of death which wrote these men off.

"If America allows this tragedy to be repeated in Southeast Asia, then fathers and mothers who take time to read this may very well feel the same frustration and agonies being faced by my wife, myself, our daughter-in-law, Patrice, and their daughter, Camille."

The hurt bites hard and in strange ways.

20 YEARS OF HOPE

Brett still recalls with wonder a telephone call from a mother of another POW-MIA. Her son is one of those 389 nonaccounted for Korean war veterans. It's been about 20 years, but she still clings to fragile hope.

"Our family knows there is a very good possibility that Lefty may be dead. But there is also the very strong possibility that he is still alive," Brett noted, remembering a British Broadcasting Corp. (BBC) monitored report from Laos in which Communists announced the capture of two American pilots in late September, 1972.

"Since we as a nation pride ourselves in the dignity of man and the rights of the individual, we feel very deeply we have a right to know what has happened to our son, Patrice's husband and Cami's father."

Since withdrawal of American troops and return of 591 Vietnam POWs, the effort to erase the memory of the bitter war has helped keep the plight of those still missing out of the national news media, believes Brett.

"I'm still frustrated, bitterly disappointed in the national news media that is more interested in getting rid of Nixon than they are in the plight of the families and the men. And I am appalled at the lack of moral courage on the part of Congress to come to grips with the issue."

One of Brett's sourest disappointments stems from congressional concern over Russian Jews. A bill by Washington Sen. Henry Jackson, which Brett views as a political attempt "making a pitch for the ethnic vote," has drawn 70 Senate co-sponsors.

WHERE ARE VALUES?

"On the other hand, you have Sen. Gurney from Florida who has proposed an amendment to the trade reform bill which would ban favored trade status for Russia and deny economic aid to Communist bloc countries until such time as any remaining POWs are released and the MIA's accounted for. Sen. Gurney's bill has 11 cosponsors. As a father of an MIA, I wonder where senses of values are at."

What's needed, according to Brett, is enough public pressure through letters to legislators that the 1,100 men become a national issue.

"There have been thousands of words entered in the Congressional Record pertaining to the POW-MIA issue. Unfortunately, Hanoi does not read the Congressional Record," Brett frowned.

Congressional leaders once so vocal about ending the Vietnam war have been silent about the unaccounted-for victims. Letters may promise assurances but the spoken word does not.

In his director's post, Brett helps keep the league moving. Trips to Washington, a visit with Dr. Henry Kissinger, endless telephone calls and letters haven't produced much. And nothing's really accomplished until the fate—one way or another—of Lefty and the others is known.

"It's not just a father and mother wanting to know about a son, but a wife and a daughter, too."

Looking at a picture of Lefty's 2-year-old

daughter Camille, a girl Lefty hasn't known, Brett knows there's another reason, too.

"Look at that little girl and say she doesn't have a right to know what's happened to her father."

[From the Oregon Journal, June 3, 1974]

TIME STANDS STILL FOR WAITING WIVES LIKE PATRICE BRETT

(By Norm Maves, Jr.)

Yes, only we who wait can ever know
What it must mean to send the one most dear
Aloft; and then through endless hours to pray,
"God, bring him safely home again today."
—We Who Wait (Author Unknown)

CORVALLIS.—"Today" hasn't come yet for Patrice Brett. It has been cruelly suspended in a time bubble for nearly 20 months.

Only when Robert Arthur Brett Jr. comes home from Vietnam, or, as the possibility remains, is accounted for in another way, will time begin to run again as it did on Sept. 29, 1972.

That was the day, at Nellis Air Force Base near Las Vegas, that Patrice found out her husband was reported missing in action in Vietnam.

"I remember it all so well," says Patrice who lives now in Corvallis with her 2-year-old daughter, Camille. "It's not something I like to talk about, but sometimes I have to.

"Lefty had left the previous Sunday ahead of the rest of his squadron for some special reason, and I was getting Cami ready to go see the rest of the squadron off. It was 8:45 in the morning on a Friday.

"I stooped down to pick her up, and the window shade was up just enough to see a staff car pull up with three men in it. That's when the first gut feeling hit me, and my first thought was that I hoped that they had the wrong house.

"Of course, they didn't. There was a priest, a doctor, and a colonel, and they looked nervous. When I opened the door and saw them, my first words were, 'Oh, no.'

"I thought he was dead; it didn't occur to me that they were there to tell me that he was missing in action—I didn't even know what it was at the time. I was actually a little relieved at first when they told me that he was 'just' missing. I didn't break down until much later, when the initial shock wore off."

The night before at 9:05 p.m. (Vietnam time runs some 12 hours ahead of Las Vegas time), Lt. Lefty Brett, 26, a likeable kid from Corvallis, took off as the copilot of an F-111 with Lt. Col. William C. Coltman for a night mission into North Vietnam from their Thailand base.

At 9:47 p.m., the two checked in and indicated that they were initiating TFR (terrain-following radar) flight status prior to their strike. No one has since heard either man's voice.

A BBC monitoring station reported shortly thereafter that a North Vietnamese radio station indicated that two American planes, one an F-111, had been shot down and the crews captured. There was no identification of the crews.

That was one year and eight months ago. Since then, several things have happened that weigh heavily on the fate of Lefty Brett—the American military involvement in Southeast Asia has terminated, most of the prisoners of war are accounted for, and the United States has turned its focus inward, to Watergate.

What, then, remains of the MIAs? Why are they not yet accounted for? The situation is complex, and according to Lefty's father, retired Lt. Col. Bob Brett of Klamath Falls, it involves some harsh realities of American politics.

"All of these 'great humanitarians,'" he said in his home recently, "who were so anti-Vietnam when it was going on are strangely silent today, yet they were in the forefront of the prisoner exchange issue in this recent Middle East incident.

"The only conclusion that I can draw is that since the MIA issue is so thorny, and since the MIA families don't have the ethnic vote bloc or are major contributors to the party, these 'great humanitarians' have not had the moral courage to face the issue. The same Congress that sent the men off to fight the war has turned its back on these men and their families."

Patrice Brett, however, is not the inveterate fighter Bob Brett is. She is quiet and likes her privacy; it is with much discomfort, but also with singular devotion, that she seeks the publicity for her husband's plight.

"I manage to keep active," she says. "I take some classes at Oregon State (she was graduated in English in 1969), see a lot of friends, work on my garden and do a million other things besides what I do for the National League of Families."

So day after day Patrice and Cami Brett try to live as normal an existence as is possible under the circumstances. Money is no problem: They draw all of Lefty's pay allowances, which includes his flight, combat and hazardous duty pay.

Cami Brett turned 2 in January and is a blonde likeness of her father. "She's growing up to be pretty independent," says her mother with a smile. "She is aware that other children have fathers, but has no concept of her own.

"Already we're pretty close. She identifies the two of us as a unit—it's always 'Mommy-Cami this' and 'Mommy-Cami that.'

"I know that she needs her father, though, and it hurts that she can't have him right now. It hurts each day at 5:30 when my friends' husbands come home to their wives and children. I still have a hard time realizing that mine won't be coming home each night like the others."

The situation has created a whole new life for her, one that includes fear, depression and confusion. But she does find comfort in knowing that there are others like her.

"I have gone through several different stages since the initial shock wore off," she admits candidly. "First, I couldn't accept the reality of the situation. Then it was 'why me?' and for a fleeting instant there was the suicide notion, if you can believe that. It's not new.

"I found that out last July, when I went to a retreat for wives at Snow Mountain Ranch just outside of Denver. It was sponsored by a Christian group called High Flight—a great group of people, by the way—and it was 'good therapy' just to get together with the others and discuss our experiences.

"Surprisingly, they were all similar. Most of the others had the same suicide moment that I had—it was quick, but it was there. Of course, I'd never do it—my hope is still too strong—but I read somewhere about the wife of a POW who did kill herself. And her husband came back."

Patrice is perceptive enough to pinpoint the things that keep her hopes up and keep her calm despite the anguish. It is a simple formula, and she doesn't make any pretense of being the courageous martyr who has sacrificed to the limit.

"I'm not as strong and brave as a lot of people would like to think that I am. It's a stereotype that sometimes develops, but it doesn't apply to me.

"I look at it, basically, as something that you can live with or flick in. That, then, is a choice that really leaves no other choice. I can't look at Cami and feel sorry for myself.

"I have to think of her, and it brings to mind things that scare me. If I am to make the best possible home for her, it means that sometime in the vague, vague future I might have to consider remarrying.

"But when? I can't possibly picture myself with any other man but Lefty because I love him so much. I can't foresee my feelings on that issue changing, not ever. But when I think of Cami like I should, it starts pulling on both sides. It's something that I may have to face sooner or later, but it mixes me up right now."

It is one of many things that confuse Patrice right now. She is neither a wife nor a widow because her husband is neither dead nor alive; she is trapped in a time skip that leaves her wondering when she should face an unreal reality, pick up the pieces and start over again.

Patrice Brett is just as fragile as her father-in-law is forceful. Her way of contributing to the campaign is to correspond, to attend meetings and to spread the word about things like Amendment 1194 to the Trade Reform Act, one clause of which dictates that no country can receive American aid until it has expressed "official indignation" about the lack of compliance with the prisoner clauses of the cease-fire agreement.

"Most Americans remain ignorant of what's going on in respect to the MIAs," she says with a hint of frustration. "The war is over, and most of them want to forget it, so there are a lot of times when I just want to throw my hands in the air and say:

"Doesn't anybody out there care any more?"

[From the Eugene (Oreg.) Register-Guard, June 16, 1974]

MIA FAMILY WAITS, HOPES

(By Joanne York)

CORVALLIS.—For most of us, the Vietnam war, like some lousy summer job, is over. We've put it out of our minds.

But for Patrice Brett the war drags on and on.

It's there 24 hours a day. From the time the alarm goes off, throughout the day as she watches her 2½-year-old daughter Camille and into the night when the lights are out and she's in bed alone.

Capt. Robert Arthur Brett, Jr., is missing in action. "Lefty" vanished over Laos and is one of about 1,000—29 of whom are Oregonians—who are not accounted for by the military. The Vietnam war officially ended a little more than a year ago.

According to Mrs. Brett, it's difficult not to feel bitter or depressed or confused sometimes—especially she says, since the public acts like it doesn't care whether the fate of the MIAs is ever known.

Mrs. Brett, a delicate blonde with high cheek bones and quiet mannerisms, clings to a fragile (or is it strong?) strand of hope that her husband is alive.

As she tells it:

Brett, then a lieutenant, simply "disappeared" on a flight 20 months ago.

"It's something I don't like to talk about, but sometimes I have to," said Mrs. Brett as she settled into the sofa in her comfortable living room.

As an MIA wife, Mrs. Brett feels committed to speak out about the men who are missing. Yet, as a very private person she recoils at the thought of putting herself before the public.

Nevertheless, she is active on a statewide level as a speaker for MIA causes and once appeared before Gov. Tom McCall to bring him up to date on the MIA situation.

Lefty Brett took off about a week ahead of the rest of his squadron from Nellis Air Force Base near Las Vegas. His destination, Indochina. He was five days out and on his first mission when he vanished.

"I hadn't even made the psychological separation in my mind," Mrs. Brett said calmly. "In my own mind, he wasn't even gone yet."

Brett took off as co-pilot on an F–111 (the controversial Air Force fighter plane that was temporarily grounded) with Lt. Col. William C. Coltman for a night mission into North Vietnam on Sept. 29, 1972. The two checked in at 9:47 p.m. and indicated they were initiating "terrain-following radar" flight status prior to their strike.

What happened next is anyone's guess. No one—at least on the American side of the war effort—has heard from either man since.

Coltman was one of the original test pilots for the F–111s and Lefty was the top flight pilot in his class.

He and Patrice were Air Force brats and they are both one of five children. They are steeped in military tradition and yet as Patrice tells it none of that made it easier for her to accept the fact that Lefty was gone.

"But, I have to give him every chance," she said. "I don't know that he's alive, but there's no confirmation from Hanoi that he's dead either. . . ." Her voice trailed off.

What makes Mrs. Brett cling to that strand of hope is a BBC monitoring station report that came shortly after Lefty's disappearance. The station reported that a North Vietnamese radio station indicated two American planes, one an F–111, had been shot down and their crews captured. None of the men was identified.

According to a March-April issue of Veteran's News, some 300 Americans are missing over Laos. None has been accounted for by Hanoi, the paper said.

While Mrs. Brett has had to struggle daily with the question is her husband alive or dead, she has tried to create a stable and secure life for Cami.

They moved away from Nellis, "because I couldn't stand the thought of seeing all those men he knew come back without Lefty" and returned to Corvallis.

After living in a duplex for a while, Mrs. Brett decided to buy a house and took out a Veteran's Administration loan to do it.

"I sure hope Lefty likes this place because it's the only VA loan we can get," she said, looking around the comfortable three-bedroom home on a quiet, secluded street in northwest Corvallis.

She was able to make the decision because her husband left her power of attorney. Right now, money is no problem. She draws Lefty's pay allowance, which includes flight pay, combat pay and hazardous duty pay.

Mrs. Brett, a former elementary school teacher has spent the last year being mother and father to Cami. She has also spent time furnishing her home, gardening, taking pottery classes, learning macrame, bowling and being involved in county extension. "Anything to keep busy," she explained.

Her relationship with Cami is close. "She knows that other children have fathers, but she doesn't have a concept of her own," Mrs. Brett admitted.

Although Mrs. Brett said she'd rather be living in Corvallis "than anywhere else," staying in the suburbs isn't all it could be. The neighborhood is geared to young marrieds and the 27-year-old Mrs. Brett is neither widowed nor single.

"I sometimes hurt inside when I see the husbands coming home at dinnertime," she admitted. "But, I'd rather be here than back at Nellis or somewhere else. I like Corvallis. And I want Cami to have every opportunity to live like other children."

For the passerby there are visible signs that Mrs. Brett isn't quite like the neighbors. They are the two red, white and blue MIA stickers on the garage door which read: "MIA: Missing or captured. Only Hanoi knows."

Lefty's father, Ret. Lt. Col. Robert Brett of Klamath Falls also is active in MIA affairs and serves on the national board of the League of Families, working to find out what happened to the MIAs.

For Patrice, being an MIA wife has meant having to live with fear, depression and confusion. It has meant being once tempted to commit suicide.

"I have gone through several different stages since the initial shock wore off," she said candidly. "First, I couldn't accept the reality of the situation. Then it was 'why me?' And for a fleeting instant there was the suicide notion, if you can believe that."

Mrs. Brett said she later learned when she went to a retreat for MIA wives that most of the other wives had the same thought of suicide.

"It was quick, but it was there. Of course, I'd never do it—my hope is still too strong—but I read about the wife of a POW who did kill herself. And her husband came back."

Mrs. Brett doesn't consider herself brave or a martyr. She appears to be a stable person who is attempting to make the best of an agonizing situation. "Unfortunately, there are times when I wish I could flip out," she said.

"But, then I get these visions that Lefty's going to walk through that door . . ."

Her father-in-law has a similar reaction. "I just keep thinking that he's going to walk in here with that silly little grin of his and wonder what all the hassle is about," he said.

Mrs. Brett consented to an interview for one very strong reason. "What we need and what the League of Families is doing is trying to get public support for putting pressure on Hanoi to cooperate in the search for our missing men," she said.

"We want the public to know that there is still a problem. One thousand men haven't been accounted for."

There is one thing Patrice Brett is thankful for.

"Ever since he was old enough to set goals, Lefty wanted to fly and fight. That's all there was, flying and fighting," she said. "He did what he wanted to do and I have to be happy for that."

That consolation may make things somewhat more tolerable for Mrs. Brett. But, in the meantime, she also sits and wonders why Americans seemingly, don't care what happened to Lefty Brett and the rest of the MIAs.

INFLATION AND THE PLIGHT OF OLDER AMERICANS

Mr. MONTOYA. Mr. President, today inflation is injuring many Americans. However, no single group in America is more in danger from the assault of inflation than those older Americans who must live on fixed incomes, on pensions, and on social security payments. Only 1 in 5 persons age 65 and older in 1973 recorded sufficient taxable income to have paid income tax. Almost 25 percent of all Americans over 65 years of age live in poverty. The median income for a two-person aged household is $5,487 a year, a very small figure when one thinks about the cost of food and shelter in America today.

The Congress has and is continuing to address this problem through legislative action. But today I would like to inform my colleagues about an effort being made in Albuquerque, N. Mex., by senior citizens themselves. The most recent News Bulletin of the American Association of Retired Persons has reported on a job-placement project started by chapter 1364 of their organization in Albuquerque-Duke City.

I wish to commend these experienced adults for their innovative and courageous effort to help themselves and to help others and at the same time to provide valuable service to their community.

Mr. President, I ask unanimous consent that the article from AARP News Bulletin be printed in the RECORD following my remarks.

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

[From AARP News Bulletin, July–August 1974]

ALBUQUERQUE ELDERLY FIND JOBS AS "RENT-A-GRANNY"—OR "GRANDPA"

ALBUQUERQUE, N. MEX.—Employers seeking mature temporary or part-time workers here can "Rent-A-Granny" or "Rent-A-Grandpa" through a unique job placement project launched by Albuquerque-Duke City AARP Chapter 1364.

With funding provided in 1973 by the U.S. Department of Labor, the City of Albuquerque and Bernalillo County, the chapter project offers a wide variety of employment opportunities for men and women 55 and older. Full-time, part-time and temporary jobs are available to those who qualify, said Mrs. Anne Beckman, director of the project. Mrs. Beckman interviews prospective job candidates, who fill out applications to help the agency determine a match for their qualifications and background.

According to Mrs. Beckman, the program has met enthusiastic response from the area's employers. In one recent month, the service placed 226 candidates, who handled such chores as child care, housekeeping, painting, home repairs, nursing, sewing, accounting, bookkeeping, sales, data processing, switchboards, chauffering and general store work.

"Rent-a-Granny" and "Rent-a-Grandpa" have produced more than $80,000 in earnings for part-time employees, and about $50,000 for those holding down full-time jobs. The amount of wages is determined by employers. "We just try to match the right person with the right job," Mrs. Beckman explained.

Mrs. Beckman also pointed out that training is provided to those who need to develop a skill—such as a person who wants to do accounting, but does not have the required skills to perform this assignment. Retired persons with expertise in the required fields offer free training and counseling to job candidates.

The program has a long list of successful full-time employees, who obtained positions through the employment service. Some examples: Helen Canfield, nurse; Mary Lunsford, live-in companion; Robert Rimbert, live-in orderly; Ethel Anderson, nurse; Charles Robinson, home maintenance and repair service; and Charles Schwab, information clerk.

Since June of 1973, more than 2,500 persons have found some type of employment through the agency, Mrs. Beckman said.

"The No. 1 objective of the Duke City Chapter is being fulfilled by offering community services to all people over 55," she added.

RESOLUTIONS BY THE MIDWEST GOVERNORS' CONFERENCE

Mr. HUMPHREY. Mr. President, I bring to the attention of the Senate a resolution adopted at the Midwest Governors' Conference held in Minneapolis, Minn., from July 28 through 31. The resolution was offered by Gov. James Exon of the State of Nebraska. It was unanimously approved by the Governors in attendance: Governors Exon of Nebraska, Gilligan of Ohio, Walker of Illinois, Milliken of Michigan, Link of North Dakota, Anderson of Minnesota, Lucey of Wisconsin, Kneip of South Da-

kota, Ray of Iowa, Bond of Missouri, Bowen of Indiana, and Docking of Kansas.

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

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

RESOLUTION ON DISASTER PAYMENTS

Whereas food production and the need for adequate food reserves are not only an opportunity but an obligation of the midwest states, and

Whereas the interest of all the people are best served by sound agricultural policies which will guarantee adequate food supplies at reasonable prices, and

Whereas present drought conditions prevailing in many of our states are threatening the stability of our food producing plant, and

Whereas we find that certain parts of the present Farm Act wanting in some areas,

Therefore, be it resolved by the members of the Midwestern Governors' Conference:

1. That the target prices for wheat and feed grains for the 1974 crop be increased by incorporating the escalator provisions in the Act immediately to meet the increased cost of farm operations and to provide a more realistic disaster payment to our farmers threatened with disaster.

2. That action be taken now by Congress to re-establish the forgiveness provision, long a part of the emergency disaster loan of the Farmers Home Administration, to provide meaningful assistance to farmers and ranchers threatened with economic ruin as the result of natural disaster.

THE PETROLEUM SITUATION

Mr. BARTLETT. Mr. President, I would like to call to the attention of my colleagues a recent release by the Chase Manhattan Bank entitled, "The Petroleum Situation."

Briefly, the energy economics division of the Chase Manhattan Bank points out that some abnormal factors influenced the group's earnings in the first quarter of this year. For instance, the accounting procedures requiring that inventories be treated on a first-in, first-out basis has accounted for well over half of the worldwide increase in profits.

The Chase Manhattan Bank goes on to say that—

A conservative estimate indicates that the entire increase in profits reported by the group of companies in the first quarter will not be sufficient to offset the additional cost of replacing the inventories.

Even though the devaluation of the dollar influenced the growth of profits in 1973 more than any other factor, the effect of devaluation on the first quarter profits contributed no more than 10 percent of the growth in profits.

And because devaluation occurred during the first quarter of last year, it will no longer have an impact on the growth of earnings.

Another point raised is that—

Although the group's total capital expenditures were nearly twice as large as a year earlier, most of the increased spending was concentrated in the United States. In the first quarter of last year, the group invested 1.3 billion dollars in the United States and 1.4 billion in the rest of the world. But this year it spent 3.2 billion dollars in the United States and 1.6 billion elsewhere.

Capital expenditures in the United States were were than twice as large as profits. There has been a 146-percent increase in capital spending in the United States.

It is also significant to note that the group's direct taxes in the first quarter increased 109 percent to $10.5 billion. In addition, the group paid $7.5 billion in the form of sales taxes, excise taxes, and lease bonus payments. Therefore, the total receipts of governments amounted to $18 billion—nearly four times the $4.6 billion the group retained in net earnings.

The Chase Manhattan Bank made a most basic observation when it said—

All the costs of doing business must be paid, of course. And, because taxes and other payments to government are among the various costs of doing business, they naturally must be reflected in the price consumers pay for all goods and services. To some degree, the net earnings of the group of petroleum companies contribute to the price consumers must pay for petroleum. But the contribution of taxes and other payments to government in the first quarter was nearly four times as great. Consumers don't know that, of course, because they're rarely told. Why they are not is a curious matter, because if they were they obviously would have a better and healthier perspective. And surely, that would be in the national interest.

Mr. President, I ask unanimous consent that a portion of the pamphlet by the Chase Manhattan Bank entitled "The Petroleum Situation" be printed in the RECORD.

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

PROFITS, TAXES, AND CAPITAL EXPENDITURES

Most of the petroleum companies comprising this Bank's large study group have now reported the results of their financial performance in the first quarter of this year. As expected, the group as a whole recorded large year-to-year increases in net earnings, new capital investment, and taxes paid.

Compared with a year ago, the combined profits of the group on a worldwide basis were up 111 percent. Within the United States alone the group achieved a gain of 43 percent. And in the rest of the world the increase amounted to 167 percent.

Some of the abnormal factors that influenced the group's earnings so much in 1973 continued to play a major role in the first quarter of this year. For instance, well over half of the worldwide increase in profits can be traced to accounting procedures involving inventories. Petroleum companies are required by the governments of many importing nations to carry very large inventories as a safety measure. These governments also insist that inventories be treated on a first-in, first-out basis for taxing purposes. In other words, the petroleum companies are required to apply the cost of inventories acquired months earlier to their current revenue. Under this system, radical changes in the cost of inventories—either up or down—will have a major impact upon profits.

And that is exactly what happened in the first quarter of this year. At the beginning of the year the governments of most of the world's leading petroleum producing nations dictated very large increases in the price of crude oil. As a result, the average price of crude oil in the first quarter was more than twice as high as in late 1973. And, the true market value of all oil held in storage increased as a direct consequence. Therefore, the difference between the value and the cost of the oil was much larger than usual. And, because of the accounting system the companies were required to use, that abnormally large difference caused profits to be much larger than usual too. Had the governments reduced the price of crude oil instead of raising it, the value of inventories would have declined and profits would have been depressed as a consequence.

The abnormal gain in profits is likely to be of short duration. As the lowest cost inventories are depleted they will have to be replaced with oil of much higher cost. In fact, a conservative estimate indicates that the entire increase in profits reported by the group of companies in the first quarter will not be sufficient to offset the additional cost of replacing the inventories. And it is conceivable that the group may experience a decline in profits in the near future. If that happens, it will be most interesting to see if the decline is accorded the same degree of attention as the gain in the first quarter.

In the United States the tax authorities permit the last-in, first-out method of inventory accounting. And, for the most part, the companies in the group use that procedure. If they had been allowed to utilize it outside the United States as well, the growth of their worldwide profits in the first quarter would have been less than half as large.

In 1973, the growth of profits was influenced by devaluation of the dollar more than by any other factor. But, in the first quarter of this year the effect of devaluation was much diminished. No more than 10 percent of the growth in profits can be attributed to it. Because the devaluation occurred during the first quarter last year, it will no longer have an impact on the growth of earnings for the remainder of this year.

For many years, including 1973, the group's earnings in the United States have been much too small relative to its needs for capital investment. Profits in the first quarter of this year, however, were more realistic. The 43 percent gain over a year earlier reflected for the most part changes in the price of crude oil. In August of last year the United States government imposed a so-called two tiered price system. The price of old oil was controlled but the price of newly found oil was permitted to respond to competitive market forces. Then in December of last year the government raised the controlled price of old oil by one dollar per barrel to bring it somewhat more in line with the realities of the market place. As a result of these actions, the average price of crude oil in the United States was nearly twice as high as a year earlier, although still substantially below the price of foreign oil.

Historically, there has been a consistent relationship between the group's profits and its capital expenditures—they rise and fall together. That relationship was continued in the first quarter when the rise in profits was closely matched by an increase in capital spending. But, the relationship was by no means uniform on a worldwide basis. Although, the group's total capital expenditures were nearly twice as large as a year earlier, most of the increased spending was concentrated in the United States. In the first quarter of last year, the group invested 1.3 billion dollars in the United States and 1.4 billion in the rest of the world. But this year it spent 3.2 billion dollars in the United States and 1.6 billion elsewhere.

Although the group earned only 31 percent of its worldwide profits in the United States, it nevertheless allocated as much as 66 percent of its over-all capital spending to that Nation. As as a result, its capital expenditures in the United States were fully two and a quarter times as large as its profits. That notable action by the companies clearly reflects the more realistic level of petroleum prices and also the hope that earnings will be allowed to continue to improve enough to

support an adequate level of capital spending.

The 146 percent increase in capital spending in the United States was the most significant development thus far of all the efforts to increase the nation's energy supply. And, if new investment can continue to increase, the prospects for a growing supply of energy will become much brighter. Unfortunately, however, the general public is not likely to become aware of the significance of the increased capital spending simply because it lacks the shock effect to be considered newsworthy.

Another significant development likely to go virtually unnoticed is the huge increase in the amount for taxes paid by the group even though many governments—and the people they represent in theory—benefited handsomely as a result.

The group's direct taxes on the first quarter amounted to 10.5 billion dollars—109 percent more than a year earlier. In addition, governments received 7.5 billion dollars from the group in the form of sales taxes, excise taxes, and lease bonus payments. The total receipts of governments, therefore, amounted to 18 billion dollars—nearly four times the 4.5 billion dollars the group retained as net earnings in the United States alone government took in 5.9 billion dollars—more than four times the 1.4 billion dollars the group of companies earned in the United States.

All the costs of doing business must be paid, of course. And, because taxes and other payments to government are among the various costs of doing business, they naturally must be reflected in the price consumers pay for all goods and services. To some degree, the net earnings of the group of petroleum companies contribute to the price consumers must pay for petroleum. But the contribution of taxes and other payments to government in the first quarter was nearly four times as great. Consumers don't know that, of course, because they're rarely told. Why they are not is a curious matter, because if they were they obviously would have a better and healthier perspective. And, surely, that would be in the national interest.

JOHN G. WINGER.
RICHARD C. SPARLING.
RICHARD S. DOBIAS.
NORMA J. ANDERSON.

NATIONAL HOSIERY WEEK

Mr. ERVIN. Mr. President, the fourth annual National Hosiery Week will be held September 8–14, 1974, and is expected to be by far the largest such celebration to date.

National Hosiery Week is a project of the National Association of Hosiery Manufacturers and its member companies, which includes the producers of 90 percent of the Nation's hosiery and major industry suppliers.

National Hosiery Week will be celebrated by these companies as well as by thousands of retailers across the country. The retailers, including some of the Nation's largest chains, will participate with special displays and promotions of hosiery products.

The aim of National Hosiery Week is to educate the consumer to the wide variety of hosiery available to meet his or her special needs. Whether these focus on the latest fashion or are primarily functional, today's hosiery counter contains something to suit almost every situation.

To help in this educational and promotional endeavor, the National Association of Hosiery Manufacturers has provided retailers with an idea kit, including a colorful display poster, lapel badges for employees and theme ideas. The association will also be highlighting National Hosiery Week through its media contacts.

The hosiery industry is a valuable contributor to the Nation's economy. In 1973, it employed 89,800 persons in 390 companies operating 521 plants. Many of these are small businesses.

During the year, these mills produced more than 2.7 billion pairs of hosiery, including socks of all sizes and women's pantyhose and stockings. Of this total, 93.2 percent was produced in the South. North Carolina alone accounted for 46.9 percent of the total production. Other major hosiery producing States include Tennessee, South Carolina, Georgia, Pennsylvania, Alabama, and Virginia. Hosiery mills also are located in 20 other States and Puerto Rico.

A RESPONSE TO AMBASSADOR MARTIN

Mr. McGOVERN. Mr. President, there are many disturbing signs that the Nixon administration is not withdrawing from Indochina, but is instead reverting to the kind of hidden intervention which got us involved there in the first place.

The fact that the administration has proposed $3.7 billion in fiscal year 1975 Indochina foreign aid, more than it has asked for the rest of the world combined, is in and of itself a cause for alarm.

But beyond that, there have been more and more news reports indicating that U.S. personnel are playing a direct role in internal Indochinese affairs. And I think the time has come for Congress to act as decisively as possible to insure that we are not being dragged back into Indochina without our knowledge.

One of the most comprehensive surveys of American involvement in South Vietnam appeared in the New York Times of February 25, 1974, in an article authored by David Shipler. Mr. Shipler reported that U.S. personnel continue to advise Thieu's army and air force, and that without these U.S. advisers Thieu's military forces could not function; that U.S. CIA personnel were continuing to work with the South Vietnamese national police, in violation of both the Paris agreement and congressional directives; and that the U.S. Embassy in Saigon was attempting to keep the Western press from having free access to Americans working under Government contract or direct hire in South Vietnam.

Our Ambassador to South Vietnam, Mr. Graham Martin, responded to Shipler's piece with a strongly worded attack questioning Shipler's motives, as well as his facts. Mr. Martin attempted to picture Shipler as being part of some sort of a Hanoi-directed conspiracy, and I am sure that approach struck many commentators as unbalanced at the time. His refutation of Shipler's charges without supporting evidence did little to demonstrate that Shipler was wrong.

Mr. Shipler's detailed article and Mr. Martin's attack further raised my concern at the time about our continuing involvement in South Vietnam.

Recently, however, I received some further comments on this controversy from Mr. Shipler. Reading through Mr. Shipler's answer to Ambassador Martin, I find myself more than concerned. I am now more convinced than ever that urgent congressional action is called for to stop our head-long rush to reinvolvement in South Vietnam.

Mr. Shipler begins by pointing out that a close reading of Mr. Martin's response reveals fairly close agreement on a number of major points in Shipler's piece, namely that:

U.S. military aid and advisors are indispensable to Thieu's fighting forces and military logistics system;

Americans often continue to give advice to South Vietnamese military personnel; and

Our Central Intelligence Agency continues to maintain close relations with South Vietnam's national police, who often refer to American personnel in the field as "police advisers."

Mr. Shipler then goes on to set out the major points of disagreement with Mr. Martin, making clear that Mr. Martin was more inclined to play with words than to offer substantive refutation of Mr. Shipler's points.

In my opinion, however, Mr. Shipler's most serious point is that Ambassador Martin has systematically attempted to prevent the New York Times from freely interviewing American officials in South Vietnam, and has himself categorically refused to talk with New York Times reporters.

Mr. Shipler is not the only journalist to report on this attempt to keep the American people from learning what is happening in South Vietnam. On January 30, 1974, for example, the Christian Science Monitor reported that Ambassador Martin—

is trying to discourage any publicity concerning the American presence here . . . Major General John E. Murray, the chief of the Defense Attache Office . . . was recently told to stop giving interviews.

More recently the Chicago Tribune, hardly a critic of U.S. involvement in Indochina, reported on June 9, 1974, that:

An integral aspect of Martin's unremitting support of the government here is his continuing effort to restrict the flow of information from official American sources to the press. Reporters now must channel all their requests for briefings . . . for the Ambassador's approval. The Ambassador rarely approves meetings between reporters and officials in the office of the defense attache.

There are indications, moreover, that Ambassador Martin has also hampered attempts by duly constituted General Accounting Office investigators to find out what is happening in Saigon. In March 1974, for example, Senator KENNEDY revealed that Ambassador Martin was trying to restrict GAO access to Embassy files and even going so far as to censor its communications with its home office.

Mr. President, we learn daily of hidden activities undertaken in Indochina during the past 5 years. Senator HUGHES, for example, has revealed the administration's deliberate falsification of records presented the U.S. Congress to cover up its secret bombing in Cambodia.

that the administration was sending U.S. Forces on cross-border operations into Laos and Cambodia in 1971 and 1972 in direct violation of congressional laws, and that the administration also falsified bombing records on B–52 raids in northern Laos.

Given this record, any further attempts to restrict the flow of information reaching the American press and Congress cannot be tolerated. It is clear that unless Congress takes the most strenuous actions to find out just what the administration and Mr. Martin are up to in Indochina, we may never know—or at least not know until it is too late.

I urge all Members of Congress to read Mr. Shipler's response to Ambassador Martin with care. For if even some of Mr. Shipler's reports are true, we may once again find ourselves directly involved in Vietnam, just as our failure to stop such hidden intervention between 1954 and 1960 led to the Vietnam tragedy we have already suffered.

I ask unanimous consent that Mr. Shipler's response to Ambassador Martin be printed in the RECORD.

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

RESPONSE TO AMBASSADOR GRAHAM A. MARTIN'S CABLE

Most of the central facts and major points contained in my article describing U.S. military aid to South Vietnam are left entirely intact—and in some cases, even confirmed—by Ambassador Martin's cable. Before responding in detail to the issues of disagreement, therefore, I should like to underline the points on which we are apparently agreed.

1. United States military aid is indispensable to South Vietnam's capacity to wage war, either offensively or defensively. American contract personnel are involved not only in training, but also in performing highly-skilled jobs that are essential to the maintenance of complex weaponry.

In paragraph 12 of his cable, Mr. Martin writes of the General Electric technicians, "This is normal practice. GE provides the same service to the USAF. Some jet components are of such complexity that only the manufacturer has the expertise to repair them." He acknowledges that the GE contract is "mainly an American work situation with less emphasis on Vietnamese training". The same is true with the Lycoming, Cessna, Northrop and part of the Lear-Siegler contracts, among others, but he does not deal with those. He takes no issue at all with a most telling piece of testimony to the importance of these American employees: the fact that their work hours had to be altered to respond to a military situation. My report that the Americans were placed on 12-hour shifts, at high overtime rates, to get the maximum number of aircraft ready to fly in case of an attack over Tet, is left untouched by Mr. Martin. Furthermore, his assertion in paragraph 14 that "within a very short time frame American instructors can and will be wholly withdrawn," does nothing to outweigh his earlier acknowledgement that "only the manufacturer has the expertise to repair" complex equipment. Perhaps instructors will be withdrawn (although he does not deny my report that the reduction of contractors has ceased and the number has remained steady in recent months) but the most important American personnel with the longest-term duties are not instructors. They are engineers and technicians, many of them known in the trade as "tech reps," who, by the Ambassador's own account, are essential even to the United States Air Force and can be expected to be around South Vietnam as long as the complicated weaponry is.

2. American aid and personnel are essential components of the South Vietnamese military logistics system. Americans assist the Vietnamese in selecting military equipment to be supplied. In paragraph 16, Mr. Martin concedes that the Defense Department official who was quoted as saying, "We Vietnamized the fighting, but we never Vietnamized logistics," made, as the Ambassador puts it, "a correct statement." In paragraph 18, commenting on my report that American personnel "not only see that the South Vietnamese get the equipment and ammunition they ask for but also advise them on what to ask for." Mr. Martin tries to effect a contradiction, but it ends up as a bureaucratic sounding euphemism meaning essentially the same thing—"The DAO (Defense Attaché's Office) assists the Vietnamese to relate their needs to U.S. supply sources."

3. Reports on the efficiency of South Vietnamese military units, written after joint inspections by U.S. and South Vietnamese personnel, are conveyed to the South Vietnamese. That is, American assessments of South Vietnamese military performance are given to the South Vietnamese military commanders, perhaps providing some sort of indirect advice.

While reacting strongly to the word "advice," Ambassador Martin nevertheless lets the basic facts stand. In paragraph 19 he writes, "It should be noted that in some cases, U.S. law requires that audits and end-use inspections be conducted by joint U.S./Vietnamese teams. It is not uncommon for an American and South Vietnamese to make an inspection or auditing tour of a military unit together. It is often required procedure." He does not argue with my finding that copies of these efficiency reports are given to Lieut. Gen. Dong Van Khuyen, head of the Logistics Command for the South Vietnamese Joint General Staff.

4. The Central Intelligence Agency maintains close relations with the South Vietnamese National Police, routinely asking the police to gather certain intelligence, then advising them on how to analyze the raw data.

In paragraph 22, Mr. Martin writes, "Certainly, it is true that C.I.A. officers connected with the Embassy meet routinely with police officials. It is hoped that this practice is followed at every Embassy in the world in a continuing effort to keep senior officials of the U.S. as well informed and as currently informed as possible." Mr. Martin does not deny my report, based on conversations with two very high-ranking police officials, that the C.I.A. asks the police to gather intelligence, then helps the police make the analysis. He argues that the C.I.A. men do not give advice, but it seems clear that to suggest areas of police inquiry and to suggest ways of interpreting the data constitutes advice of an important kind.

5. Certain American officials in the provinces are referred to as "police advisers" by police officers themselves. Mr. Martin writes in paragraph 22, "That Americans in the provinces maintaining contact with local police officials may, out of habit, still be called 'advisers' does not in any way change the fact that there are no American advisers, formal or informal, or under any device or cover." But Mr. Martin offers no counter-evidence of just what those Americans do when they are "maintaining contact" with the police officials The police say they give advice.

6. Zealous Americans in the field may occasionally give military advice.

Mr. Martin objects to the suggestion that such advice is ever given, but he does not address himself to the specific incident I reported, in which a well-placed Embassy official told me of a boastful American official in one province describing how he had suggested a military sweep through a communist-held area. This official, who is extremely well-informed, said such incidents are not uncommon, adding that given old habits, they are to be expected. Mr. Martin acknowledges the habitual use of the term "co van," meaning "adviser," but he declines to deal with the issue of the habitual relationships that sometimes persist as surely in fact as in language.

The fundamental points of disagreement, then, are less on the facts than on the meaning of the facts. Had Ambassador Martin responded to my repeated requests during a period of six weeks that he allow his views to be reflected in this article, then the report would have dealt thoroughly with his interpretations of the facts, of the military situation, of the meaning of the Paris accords and of the continuing American responsibility in Vietnam. Mr. Martin's steadfast determination to see that no United States official offered his views for inclusion in a major article on such an important subject accomplished nothing except to deny the Nixon Administration the opportunity to explain its policies and to provide information to justify its policies. Such views, as expressed in Mr. Martin's cable, would have been most welcome, for they would have enriched the article by giving the American public further insights into the Administration's posture in South Vietnam.

It is disingenuous for the Ambassador to say that he perceived some bias in my questioning as I went about researching this article, and therefore decided not to allow any officials to talk to me. I never had the opportunity to ask any substantive questions at all of any official. We never got pass the point of asking for interviews of requesting some statistics. The Embassy's Press Attache, John F. Hogan, Jr., either rejected my requests for interviews or failed to reply to them, and this was the case from the outset. At one point, at the very beginning of my work on this project, I asked for interviews with Defense contractors. The request went unanswered for several days, then was passed to Robert Mueller, who was filling in for Mr. Hogan, who was out of the country. After several more days of delay, I asked Mr. Mueller about the request, and he replied, "They don't want you to interview contractors." (I ultimately saw contractors just by going onto airbases myself and meeting them on the job). This rebuff came without my having asked a single substantive question.

Ambassador Martin attempts to discredit in advance any questioning of the United States role in South Vietnam, whether in the press or in Congress, by implying that such discussion is merely the fruit of a Hanoi propaganda campaign aimed at reducing American aid. It is difficult to know what to add to all that has been said about McCarthyism and Stalinism since the 1950's, except that efforts to blot out dissent and debate by linking it to the enemy are no more attractive now than they were then. It is hard to see which Americans Mr. Martin thinks will find his method of attack convincing in 1974.

I do not care what Hanoi wants. I do not care what Saigon wants. I do not care what Washington wants. I care only what the reader wants. He wants the truth. And insofar as I am able to see and hear and perceive the truth, that is what I will give him. I am the reader's advocate, nobody else's. I do not write for effect or impact. I write to catch a bit of reality and pass it on. Then the reader must take the truth into his own hands and do with it what he may.

I am not as certain as Mr. Martin about the effects of my article on Congress. I am not at all convinced that documenting the essential nature of American aid to South Vietnam will persuade members of Congress to reduce the aid. The article cuts both ways; in detailing the importance of the military assistance it also gives strong arguments to those who want to see the aid continued to

maintain the strength and viability of the South Vietnamese Government. In any case, I have no interest in seeing Congress do one thing or another.

It is worth noting that one of the Embassy's top Hanoi-watchers, a well-informed man who reads North Vietnamese newspapers, analyzes North Vietnamese and Vietcong radio broadcasts, examines prisoner and defector interrogations and keeps abreast of intelligence reports, told me several days after Ambassador Martin's cable had been made public that he had never heard of this alleged plan of propaganda by Hanoi.

Ambassador Martin's other arguments fall into several major categories.

THE EXTENT AND IMPORTANCE OF AMERICAN AID

Although, as noted previously, Mr. Martin confirms or leaves unchallenged many of the most important findings of the article—those that document the crucial nature of American military aid to South Vietnam, he simultaneously tries to portray the assistance as somehow less essential, less important, less a part of the South Vietnamese military effort than I describe it. This is the fundamental self-contradiction that marks the Ambassador's entire cable. He denies in his paragraph 6 that Americans are integral to the South Vietnamese logistics system, then in paragraph 16 acknowledges the accuracy of the Defense Department official's statement, "We Vietnamized the fighting, but we never Vietnamized logistics." He denies, in paragraph 14, my finding that a long-term American presence will be necessary if the South Vietnamese are to have continued use of their complex weapons, but in paragraph 12 confirms that only the manufacturers can repair complex components, adding that they do the same for the United States Air Force. He insists, in effect, that the South Vietnamese will be able to take care of their own equipment themselves "within a very short time frame," which he does not specify. And yet he contends, in the next sentence, that Hanoi is campaigning for Congress to cut off this aid to facilitate a Communist victory. The Ambassador cannot have it both ways. Either the American military aid is vital to the South Vietnamese Government or it is not.

A great gap between official labels and hard reality runs through Mr. Martin's discussion of the American civilian contract employes. In his paragraph 4, for example, he describes Ray Harris as a "cleaner of parts," part of a group whose job is "to teach the South Vietnamese." His title is a misnomer. He prepares parts for welding by manipulating a tiny grinder with the dexterity of a surgeon. When I saw him he was sitting in a row of men along a workbench, simply working on a part. He was not teaching anyone, and he told me that although instruction is part of his job, he spends a great deal of his time in "production," a standard term among contractors that means "doing the job yourself," as opposed to "training."

What Ambassador Martin has evidently been told about the degree of training vs. American maintenance, the proficiency of the trainees, the role of the American contractors and other aspects of the work situation is at great variance with what one sees with his own eyes and what he is told by the men on the flight lines and in the repair shops of the South Vietnamese military bases. Those who actually do the work—both Americans and South Vietnamese—are considerably less optimistic than Mr. Martin's experts about the length of time needed for self-sufficiency. Nevertheless, had Mr. Martin made his own assessments or those of his experts available, they would have been reported thoroughly in the article.

In paragraph 13, Mr. Martin states that since the date of my visit to the Bien Hoa engine shop was Jan. 21, the day before Tet, and a payday, "it is likely that many Vietnamese had taken time off." First, all South Vietnamese armed forces were placed on full alert during that period in anticipation of a possible North Vietnamese attack. So if any Vietnamese air force men had taken time off, they were AWOL. Secondly, one might legitimately ask about the propriety of placing highly-paid Americans on 12-hour-a-day shifts with overtime while the air force men they are supposed to be training are not there. The Ambassador's assertion here simply falls of its own weight. At the end of this paragraph, he misquotes my article, stating, "According to the shop manager, it is preposterous to state that not a Vietnamese was in sight." Quite right, and I made no such statement. I wrote the final assembly line had only Americans working, with no Vietnamese. And that is the case. Our photographs show it. I gave no such description that applied to the rest of the shop.

In paragraph 6, Mr. Martin says that "none of the RLOs [Regional Liaison Officers] is qualified" to give military advice. And yet in paragraph 19, he says they "report on RVNAV efficiency." If they are qualified to report on military efficiency, then they are certainly qualified to give advice. Contrary to Mr. Martin's description of these men as having little or no combat experience, Gerald E. Kosh, a Regional Liaison Officer taken prisoner by the Chinese during the Paracels battle, won a bronze star and a purple heart when he was a U.S. Army captain in Vietnam. The Ambassador's suggestion that South Vietnam officers would probably not heed American advice coincides with my findings, discussed in my 49th paragraph.

In paragraph 7, Mr. Martin calculates the dollar value of military aid differently from the way the Pentagon does. The Embassy told me that it did not know how much military aid was being provided to South Vietnam, so The Times Washington Bureau obtained the figures from the Pentagon, where officials also suggested that most of the increase would be going for ammunition since the expenditure had been higher than anticipated. Mr. Martin's imprecise figure of 20 to 50 per cent less expenditure than during "the last year of the war" contrasts with information provided to me in January by John F. Hogan Jr., the Ambassador's press officer, who quoted General John E. Murray, Defense Attache in Saigon, as saying that the level of resupply in 1973 was only 25 per cent below that of 1972. If the United States is observing the Paris Agreement and is replacing only ammunition that has been used or destroyed, then the rate of resupply should roughly equal the rate of expenditure. Is Ambassador Martin saying that the expenditure may be considerably lower than the resupply? If so, that raises additional questions about the adherence of the United States to the one-for-one replacement rule.

In paragraph 27, the Ambassador responds to an ICCS official's conclusion that the United States has not been observing the one-for-one rule. Mr. Martin tries to avoid a direct disagreement with the official, writing instead, "The ICCS official was quite right, but not in the way Shipler implies." Of course it is not my implication that is the issue, but that of the ICCS official, who was saying clearly that he believed the United States was giving the South Vietnamese more than they were entitled to. Mr. Martin contends that the opposite is true. The United States, he writes, "unfortunately has not been able in one single category to provide one-for-one replacements of all the material lost by the GVN while defending itself from continuing NVA/VC aggression since the cease-fire." This is brand new information, and would have been included in the original article had Mr. Martin given it out beforehand. In January, the Embassy refused to respond to a series of questions about resupply, one of which asked whether the Government had asked for anything that had then not been provided.

In October, the Embassy did respond to the same questions, but listed only 9 tanks as having not been replaced. Now Mr. Martin's new information adds another tangle to the issue. If, as he says, ammunition expenditure was possibly as much as 50 per cent less than the previous year, and if as Gen. Murray says, resupply was only 25 per cent less, how then could the United States be falling short of one-for-one replacement, at least of ammunition?

In paragraph 26, Mr. Martin does not explain how an airplane that is considerably more maneuverable and that flies at the speed of mach 1.6 can be—under the Paris Agreement—"of the same characteristics and properties" as a plane that flies at mach 1.4 with less maneuverability. Nowhere does the Paris Agreement say that the "same characteristics and properties" criterion is waived if the lost weapon "is no longer available."

In any event, the United States supplies every rifle, airplane, jeep, truck, mortar, bullet, bomb and artillery shell used by the South Vietnamese armed forces. It pays for every gallon of fuel, every spare part, every uniform, canteen and two-way radio. Mr. Martin's denial notwithstanding, it provides two forms of economic aid that do pour money into the Government's defense budget, which pays troops' salaries. One is the Commercial Import Program, budgeted at $275-million during 1973. Under the program, a Vietnamese importer orders some goods, such as steel, through the United States Government, which then buys the commodities with dollars, sells them to the importer for Vietnamese piasters and turns the piasters over to the South Vietnamese Government for use throughout its budget. Fifty-three per cent of the Government's 1973 budget went for defense. The second program is Public Law 480, or "Food for Peace," in which the United States provides food by means of a similar mechanism as 80 per cent of the piasters are placed directly into the South Vietnamese defense budget. The remaining 20 per cent are used to pay the Commercial Import Program, except that U.S. mission expenses in Vietnam. PL–480 totaled $143-million in 1973.

CEASE-FIRE VIOLATIONS

Ever since the cease-fire went into effect on Jan. 28, 1973, American newspapers, news magazines and radio and television newscasts have been full of eyewitness accounts by American correspondents of specific cease-fire violations initiated by both the Communists and the South Vietnamese. Newsmen have reported on interviews with villagers who have been the victims of some of these attacks, and on detailed descriptions by Government soldiers, who never seem to hesitate to tell about their offensive against Communist-held areas. Scarcely a day goes by without the wire services reporting Government announcements of military action, either by the Communists of by itself. At least several times each week, those of us in the Saigon Bureau of The Times recommend to our editors in New York that they run such stories, and the most important ones are carried routinely in the paper.

On the anniversary of the signing of the Paris Agreement, just one month before my article on American military aid, The Times ran a front-page story by the Saigon Bureau Chief, James M. Markham, reporting on the continuing war, detailing the military actions by both sides. Just a week before my story, Mr. Markham's series on his visit to a Vietcong area was published in which he described being on the receiving end of Government shelling of the Communist-held civilian village where he was staying. Not long before, a CBS television crew filmed such shelling of Vietcong vil-

lages. Virtually every correspondent who has been in Vietcong areas has witnessed incoming Government artillery fire. The American civilian Homer Elm, an employe of Pacific Architects and Engineers who was captured by the Vietcong, described in a news conference after his release the Government shelling and bombing that hit Vietcong territory day and night. Last fall, Tom Lippman of The Washington Post witnessed napalm strikes by Government aircraft against North Vietnamese troops in Binh Dinh Province. Mr. Markham saw napalm used in Tayninh Province about the same time. I watched Government shelling just west of Cai Lay in the Mekong Delta. The artillery was directed against some Vietcong flags tied to some trees; there was no return fire from the Communists.

Government Regional Force troops, including a battalion commander, described to me how Government air strikes and artillery barrages culminating in ground assaults drove ill-prepared Vietcong troops from a coastal area including the village of Hoai My, which the Communists had held since the 1972 offensive. The villagers confirmed that the Government attack had taken place, and told of spending much of their lives in bunkers to avoid the frequent bombing and shelling that preceded the assault. James F. Clarity of The New York Times interviewed Government fighter pilots who told him of their bombing missions. All these incidents were reported in the press. Front-page treatment in The Times was given to the North Vietnamese attack against two Government outposts in Quang Duc Province. The Communist shelling of Bien Hoa airbase and the sabotage of the Nha Be fuel depot were all reported fully. The Government itself announced that its planes had bombed Loc Ninh, a town about 75 miles north of Saigon that serves as a Vietcong administrative headquarters. The bombers so damaged the airstrip that during the last prisoner exchange, the Government could no longer fly released prisoners in by cargo plane, as they had done last July; they had to use helicopters.

The examples go on and on. It is hard to imagine that any reasonably diligent newspaper reader or television news watcher can fail to be aware of the large number of specific cease-fire violations by both sides. An article dealing in depth with a complex subject such as United States Military aid ought not devote itself to a lengthy reiteration of previously-reported incidents, but rather summarize the general situation that the incidents reflect, placing those summaries in the context of the subject at hand. I realize that in so doing, the correspondent writes on the assumption that the reader brings to the article a certain level of knowledge and sophistication, but I think that is a safe assumption for most New York Times readers.

In this context, one of Mr. Martin's main arguments—that my article fails to document specific South Vietnamese violations—loses all significance. I summarized both Communist and South Vietnamese violations, noting that the Government would "take the offensive at times, launching intensive attacks with artillery and jet fighters against Vietcong-held territory," and observing that "Government troops . . . have been seen recently by Western correspondents spraying artillery across wide areas under Vietcong control. . . ."

As for the Communists, I wrote that they "have maintained military pressure throughout the country, mostly with artillery and rocket attacks on Government outposts and, from time to time, with devastating ground assaults against Government-held positions."

Given these sentences, high in the story, it is impossible to understand how Ambassador Martin can write, in his paragraph 8, "Since there is no mention of the thousands of NVA/VC violations of the cease-fire, the only logical assumption is that Shipler considers it a violation of the Paris Agreement only when the GVN responds to these attacks." His entire analysis in this area is based on a serious misreading and, in one instance, a misquotation that forms the basis of a long line of argument.

That occurs first in his paragraph 10, where he misquotes my sentence that reads as follows:

"United States intelligence officials contend that continuing American aerial reconnaissance, as well as prisoner interrogation and radio monitoring, shows that the North Vietnamese have sent thousands of troops and hundreds of tanks and artillery pieces south in violation of the Paris agreements." When Mr. Martin quotes that sentence in his cable, he omits the words "troops and hundreds of," twisting the sentence so it appears to have read, "Thousands of tanks and artillery pieces." Then he makes a convoluted analysis based on the misquote, arguing that "Shipler's use of the word 'thousands' gives the intended impression that the U.S. has exaggerated the infiltration of NVA weaponry." He comes back to capitalize on his own error later, in his paragraph 27, stating incorrectly, "Nor does he mention anywhere in his article the infiltration of combat troops from North Vietnam since the cease-fire, a fact well known to him." Actually the infiltration of troops was mentioned twice in my article, once in the high paragraph previously quoted, and later in a paragraph toward the end: "He [the Ambassador] is reported to have pressed Washington to provide new weapons for Saigon to counteract the infiltration of troops, tanks and artillery from North Vietnam since the cease-fire."

Far from attempting to convey skepticism about the U.S. intelligence reports, I tried merely to describe the manner in which they have been issued—as contentions. Simultaneously, I sought to give the reader some hard indication of the various sources of these reports—"aerial reconnaissance . . . prisoner interrogation and radio monitoring," so that he could make up his own mind about them.

Mr. Martin's description of the military situation can be found in his paragraphs 4 and 8. "The course [of the war] is set by the continuous and continuing Communist buildup and efforts of the RVNAF to protect the population, land and resources under GVN control at time of the cease-fire from actual military attacks mounted by the other side." Then he says that South Vietnam's offensive actions were "retaliatory strikes such as the ones made after the Communists shelled the Bien Hoa air base and later destroyed the Nha Be petroleum storage tanks . . . the GVN has a publicly announced policy of taking retaliatory action whenever the NVA/VC forces so attack GVN installations." These statements, of course, duplicate those of the Government and parallel those of the Communists, whose propaganda since the cease-fire has harped on the theme that their military strikes are merely "punishments" for the "Saigon administration's land-grabbing operations." Neither side's propaganda is at all convincing, for if we were to accept both versions, it would mean that nobody is really violating the cease-fire at all. Obviously, both sides are.

THE SPIRIT OF THE PARIS AGREEMENT

Mr. Martin writes that Hanoi's sense of the accord's spirit was "that the Americans would deliver South Vietnam bound hand and foot into their hands." That may have been Hanoi's idea, but, curiously, the Ambassador gives us no indication of Washington's view of the spirit of the agreement. Instead, he simply sets up a straw man and knocks it down. The best sense of the agreement's spirit, as it relates to the United States, is probably found in Chapter VIII of the accord itself, part of which reads as follows:

"The United States anticipates that this Agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina . . . this will ensure stable peace in Vietnam and contribute to the preservation of lasting peace in Indochina and Southeast Asia."

The United States might argue that the Paris Agreement was too visionary, that its goals were elusive from the start, that its language was falsely optimistic as a description of U.S. expectations. It is clear from Ambassador Martin's cable that the United States does not anticipate "an era of reconciliation." But certainly as long as the document exists, a correspondent cannot be blamed for using it as a benchmark against which to measure the behavior of the signatories.

Since the cease-fire, the course of the war has been set less by the use of infantrymen on ground sweeps than by the use of relatively long-range weapons. At dusk, firebases routinely begin shelling communist areas, whether or not an attack has been launched. Communists send rockets or artillery into Government areas. Government planes fly scores of bombing missions a day. Lately the Government has been on a series of "mini-offensives" that attempt to clear areas of Communist troops, and these offensives depend entirely on heavy bombing and artillery attacks, followed by sweeps of troops. This kind of war could not be carried on without enormous supplies of ammunition and highly-skilled technicians to maintain the machines. For this, the United States support is essential. The Pentagon released figures recently that show that under the one-for-one replacement in the first year after the cease-fire, the United States provided 54,291 five-hundred-pound bombs, for example, and 25,172 two-hundred-fifty-pound bombs. That is a lot of bombing. There were also 5,810 napalm bombs, 111,786 aerial rockets, 26,792,100 rounds of 7.62 mm machine-gun ammunition, 689,464 rounds of 20mm ammunition, and 180,412 tons of ground ammuniiton, which includes artillery shells and small arms. This gives some idea of the extent of the fighting, especially if, as Mr. Martin asserts, the expenditure has exceeded the one-for-one replacement capability of the United States.

POLITICAL RECONCILIATION

Again, Ambassador Martin could have had his analysis of the political situation in South Vietnam made part of my article had he chosen to do so. In the absence of his views, I relied on those of other diplomats in Saigon who have watched events closely; many of their versions differs from Mr. Martin's. Again, too, the Ambassador's argument is more with the provisions of the Paris Agreement than with me. It is the Paris Agreement that provides for all the freedoms necessary to genuinely democratic elections. If the Communists are using the tactic, as Mr. Martin puts it, "to insist on the items enumerated by Shipler—particularly access to the press," then they are merely invoking the Paris Agreement. If the Ambassador disagrees with the provisions of the Paris Agreement then he should say so. Chapter IV, Article 11 reads as follows:

"Immediately after the cease-fire, the two South Vietnamese parties will:

Achieve national reconciliation and concord, end hatred and enmity, prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side of the other;

Ensure the democratic liberties of the people: personal freedom, freedom of speech,

freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right to property ownership and right to free enterprise."

The events in the political sphere since the cease-fire are precisely as I described them in my story. Mr. Thieu has offered elections, but without the freedom to meet, organize, have views disseminated in the press, etc. If Ambassador Martin is correct that the Communists would get only 10 percent of the vote, why is Mr. Thieu hesitating to allow them to campaign in an election? It is as if the Republicans told the Democrats that they could run, but that no newspaper or radio or television station could report their views or even carry the names of their candidates, that no candidate could pass out leaflets, buy advertising or hold rallies without being arrested or subjecting his followers to arrest, that nobody in Democratic strongholds could vote and that the Republicans would supervise the polling places, count the ballots and announce the results. At the present time, Communists and suspected Communists are still being arrested and imprisoned in South Vietnam—anyone can walk into the Military Field Court in Saigon and watch their trials. Meetings of opposition Deputies are routinely broken up by the police. The Vietcong are no more tolerant of dissent, and one might argue that truly free elections just cannot happen in this country. But it is just wrong to say that the Government is proceeding in accord with the Paris Agreement, and I doubt that Mr. Martin really believes that.

MISCELLANEOUS POINTS OF DISAGREEMENT

These are brief responses to the additional points of Mr. Martin's following paragraphs:

Para. 13—Within 10 days after writing this cable, Mr. Martin apparently changed his mind about the importance of Russian and Chinese resupply limits. In an on-the-record interview with Philip A. McCombs of The Washington Post, he said that the Soviet Union and China "are not resupplying with massive weapons of war as they have continuously over the past years." His other point about less ammunition needed for fixed targets is well taken, and would have been mentioned in the story if he had allowed me to interview him or his subordinates.

Para. 15—The main point of including contractors' political observations was not to report on Vietnamese attitudes, but on the views of the Americans, and to give the reader some insight into the relationships that exist among the Americans and the Vietnamese whom they are supposed to be teaching and helping. That must have been clear to most intelligent readers.

Para. 17—The fact that DAO had planned to dismantle itself came from Mrs. Ann Bottorff, public affairs spokeswoman for DAO. Mr. Martin's figure of 1,015 DAO employes conflicts with the figure provided by John F. Hogan, Jr., the Ambassador's Press Attaché. He gave me a Xeroxed, typed sheet of paper listing the number of Americans in each department. The figure for DAO was 1,147, which we rounded off to 1,150. His paper also listed 4,000 contract employes as of July 1, 1973. I wrote originally that the current figure of 2,800 was "down from 4,000 last July." This was changed on the copy desk to "down 2,200 since July." Obviously the figure should have been 1,200—the difference between 2,800 and 4,000. Apparently there was a subtraction error or a typographical error on the desk. In any case, Mr. Hogan's figures still contradict Mr. Martin's

Para. 24—Torture by police and arrest of political dissidents have been documented frequently in the past, and will be so again in the near future. Two non-communist dissidents in particular have been written about by the press recently—Tran Ngoc Chau and Huynh Tan Mam.

Para. 25—After I telephoned Ernie Bush, director of Computer Science Corporation, to ask for an interview (which he said he was willing to give) he informed me that he had been told by John W. Holmes, United States Agency for International Development official in charge of the Information System Center, that he (Bush) could not speak with me until he obtained approval from John F. Hogan. I spoke with Mr. Holmes on the phone, and he confirmed that his superior, whom he did not name, had ordered Mr. Bush to deny me an interview unless approved by Mr. Hogan. I spoke to Mr. Hogan, and Mr. Holmes said he would also speak to Mr. Hogan, but Mr. Hogan never gave his permission. Apparently the Ambassador was never informed of this, for he denies in his cable that the Embassy ordered any contractor to refuse to see me. The Lear-Siegler incident took place in Danang, where Virgil L. Nordin, Lear-Siegler's manager on Danang airbase, told me regretfully that his company had been ordered by DAO not to give the press any information, and that such a stipulation was even written into the company's contract with the Defense Department.

Para. 27—Mr. Martin's lengthy recitation of the Government position here does nothing to change the fact that neither side has been willing to let the ICCS function, either in inspections or in auditing incoming war materiel.

Para. 28—Ambassador Dubrow was answering my specific question about whether Mr. Martin or General Murray had indicated that they were pressing Saigon to observe the cease-fire. His answer is reported in full, and I don't think it conflicts with Mr. Martin's version of his answer.

DAVID K. SHIPLER.

SAIGON, *March 22, 1974.*

NEW AMTRAK SERVICE: A TRIBUTE TO SENATOR TAFT

Mr. HUGH SCOTT. Mr. President, I would like to take this opportunity to express my sincere gratitude to my distinguished colleague and friend, Senator ROBERT TAFT, for the leadership he provided in the effort to initiate Amtrak rail passenger service between Boston and Chicago via Erie, Pa., and Cleveland and Toledo, Ohio.

The proposal for this train was Senator TAFT'S and since last October he has worked hard to demonstrate the economic and technical feasibility of the water level route. I am pleased to say that he had the support of myself, Senator RICHARD SCHWEIKER, other members of the Pennsylvania congressional delegation and the Pennsylvania Department of Transportation.

Senator TAFT was in the forefront of this movement from the beginning. He called and chaired the meeting on March 20 of this year, where the supporters of this service, myself included, presented our views to the Secretary of Transportation, Claude S. Brinegar. Senator TAFT also did extensive research to prove that the necessary passenger equipment was available to run the train.

The June 27 announcement that the U.S. Department of Transportation had designated Boston-to-Chicago as the experimental Amtrak route for this year was a well deserved triumph for Senator TAFT, and for all of those Members of Congress who worked with him for this designation. We owe him our sincere thanks for his leadership.

ADDRESS BY SENATOR JOHN SHERMAN COOPER AT COMMENCEMENT EXERCISES, GEORGETOWN UNIVERSITY LAW CENTER

Mr. ALLEN. Mr. President, one of the ablest and most distinguished Senators ever to serve in the U.S. Senate was the Honorable John Sherman Cooper of Kentucky, who retired from the Senate in January 1973, greatly admired and revered by his colleagues, and by the people of his State and Nation whom he had served so well.

The Senate has missed Senator Cooper, his towering intellect, his noble character, his lofty ideals, and his wise counsel.

Recently, Senator Cooper was honored by Georgetown University which conferred on him its honorary doctor of laws degree. On this occasion Senator Cooper delivered the commencement address on a subject that is most timely in the light of the tremendous problems facing the Congress and the Nation.

Since Senator Cooper cannot now give us the benefit of his views in a speech delivered in this forum, the next best thing would be to have a speech by him printed in the RECORD where all Senators may see it and read it, and where it can be read by historians, political scientists, and other interested citizens. I ask, therefore, unanimous consent that Senator Cooper's speech together with a copy of the honorary degree conferred on Senator Cooper by Georgetown University Law Center be printed in the RECORD.

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

THE HONORABLE JOHN SHERMAN COOPER

THE PRESIDENT AND DIRECTORS OF GEORGETOWN COLLEGE, TO ALL WHO SHALL VIEW THIS DOCUMENT: GREETINGS AND PEACE IN THE LORD

We honor a man today whose career has shown that the opportunity for public service is a privilege to be cherished, not a chore to be avoided. A skilled lawyer, he has served in all branches of our government as a member of the legislature and judge in his native Commonwealth, as a member of our armed forces in the fight against Nazi aggression, as an Ambassador as well as a trusted advisor to both parties in the field of foreign affairs and finally as a senior and respected member of the Senate of the United States. All of these duties he carried out with courage and with a dignity that has been enhanced, not diinmished, by a good sense of humor and a deep sense of personal humility.

Most importantly he has carried out these duties with a deep-grained sense of personal integrity which has been a source of inspiration to all who have worked with him. His life has made it clear that he is "one who is above doing a mean, cowardly or dishonest action, whatever might be the temptation; one who forms his own standard of right and will not swerve from it; one who regards the opinions of the world much, but his own self respect more."

We are now living in a time when the atmosphere is such that many young people are shunning public service. If the republic is to survive, this must not continue to be the case. Georgetown University honors itself by honoring one who has shown that this need not be the case, one who has spent most

of a lifetime in public service "without one blot or stain upon the fair fame which has so long been his rightful portion."

For these outstanding, continuing contributions towards the goals of forming a more perfect union, establishing justice, ensuring domestic tranquility and working towards a more peaceful and rational world order, the President and Board of Directors of Georgetown University, by virtue of their charter from the Congress of the United States, proudly and respectfully proclaim The Honorable John Sherman Cooper, Doctor of Laws, honoris causa.

In testimony whereof they have issued these their formal letters patent, under their hand and the Great Seal of the University, at Georgetown in the District of Columbia, this twenty-sixth day of May, nineteen hundred and seventy-four.

R. J. HENLE, S.J.,
President,
JOSEPH F. SWEENEY, S.J.,
Chairman, Board of Director.
DANIEL J. ALTOBELLO,
Secretary.

COMMENCEMENT ADDRESS

(By John Sherman Cooper)

The Very Reverend Henle, President of Georgetown University, Dean Adrian Fisher of the Law Center, members of the graduating class, the faculty, the alumni, and your guests:

I feel deeply honored by the invitation of this great University, respected for its scholarship and contributions to the nation, to speak at the commencement exercises of the Law Center. I am glad also because of my respect and friendship for Dean Adrian Fisher. It has been my opportunity to know him for over twenty years, and to value his contributions to our government in many fields, and—I may say to the world—for his work through many years of negotiations to limit and abolish nuclear weapons, and now for Georgetown University.

I am surprised, yet grateful, to receive the honorary degree of Doctor of Laws from Georgetown University, ancient in our country in years, and outstanding for its constant insistence on scholarship and its search for truth. I only wish that I could start again, and fulfill your generous citation.

This is a day of great achievement for you who graduate. It marks a major stage in your life, as you now move on to new endeavors and responsibilities. It is a day of pride and joy for the Law Center, and for your families and friends.

While it is an honor to speak on this Commencement Day, I must say that I have always found commencement speeches difficult—for the speaker and the audience. It is particularly true today. I had thought that in this time, perhaps it would be better to have two speakers, to express different points of view, but I can only express my own convictions.

You who graduate are entering a profession which bears heavy responsibilities for leadership and high ethical standards at a controversial time in our country's history. Recalling my experience in the Congress, I can think of no period—with the exception of the optimistic days immediately following World War II—when it did not seem that we faced some overwhelming issue or crisis. Among these we may remember the post-World War II threats to our security; the supposed missile crisis; the struggle against discrimination; the divisive influence of the war in Vietnam; and now preoccupation with the Watergate series of events.

The problems of today, including Watergate, will not be solved easily, quickly, and to everyone's satisfaction. We must give our best thought and action to them, but it is likely that in all our work, we will find the worlds of Malebranche, the 17th century French philosopher, correct: "Lord, the truth is for thee alone, Give us the pursuit."

The legal profession does not bear the full burden of the search for truth, but it bears a substantial burden. Much is expected of you, for you have been taught to be disciplined, rational, objective, ethical, and to apply the principles of justice and fairness in your profession and to the country's problems.

Today, in a time of national and personal questioning, there are those who say that the events of Watergate portend disaster for our institutions. I do not believe this to be true at all. I believe our people will hold fast to the principles of fairness and justice upon which our institutions rest—fairness to Constitutional processes, to the Nation, and to the President.

I do not attempt to review today, if I could, the details of Watergate, or predict its outcome. It is before the people, and their opinion is of utmost importance. But it must be remembered that in a legal and Constitutional sense, its determination and decision, rest now with the Congress and the courts.

The press of all human elements—emotion, bias, political considerations—may bear down upon those who must make these decisions. But I believe that their decisions must be, and will be made upon the principles of justice and fairness.

Justice and fairness are not generalities. They are imbedded in many provisions of the original Constitution, in its Bill of Rights, and its later amendments.

The prescriptions of "due process," "the equal protection of the law," are familiar phrases. They are more—they are substantial and fair—for their purpose is to protect the right of every individual against arbitrary or unequal action by the government, or by the people—majorities or minorities—in judicial, legislative or administrative proceedings.

It is fortunate and timely that the decision of Brown v. Board of Education, of twenty years ago, is now being restudied and evaluated as one which applies clearly the principle of "the equal protection of the law," so long denied, to black citizens of our country and thus to all the people.

One of its companion cases, Bolling v. Sharpe, decided the same day, stated the concept from which these Constitutional protections of the individual arise. Chief Justice Warren, speaking for the Court, said:

"The concepts of equal protection and due process, both stemming from our American ideal of fairness, are not mutually exclusive . . ."

The words—"the American ideal of fairness—while eloquent, were not new. In a long line of cases, the Courts have said that "the law of the land," "due process," and "the equal protection of the law," are generally interchangeable, and that they "stem from the American ideal of fairness." One case, Burns v. Lovell, states simply—"A human being has an inherent right to due process of law."

Philosophers and jurists have attempted to define justice and fairness, drawing from the writings, among others, of Kant, Locke, Burke, and The Federalist Papers. It has been said that while these terms are difficult of definition, they represent an inherent belief of individuals that in a free and democratic government, they can rely upon rules and standards—not dictatorial—which assure that they will be accorded equal treatment in their relationships with the government and each other.

At this point, I know that I could make the theme of my talk clear, by simply reading the May 14th article of Mr. James Reston of the New York Times, on Senator Mike Mansfield's views on justice in the Watergate proceedings. Senator Mansfield's words were, as usual, sparse and pure, and they reflect, not alone his faith, but I believe that of the people, in the necessity and fairness of Constitutional processes.

I agree with Senator Mansfield and his colleagues, Senators Robert Byrd, Curtis, Allen, among others, who spoke with similar views in the Senate on the same day. I would be untrue to my view of justice and the American ideal of fairness, if I did not say there have been aspects of the consideration of Watergate, that trouble me greatly.

One proposal, with which I disagree, has been the insistent call for the resignation of the President.

I do not impugn the motivations or deep convictions of anyone, but I consider the proposal to be extra-constitutional, and harmful. Ours is not a parliamentary system. It could establish a precedent which would plague our country in future times of crisis or division, encouraging majorities or minorities—whether right or wrong in their judgments—to press for the ousting of a President with whom they do not agree.

But most important and unfair, in my view, are the implications of the proposal upon the rights of the individual. It would deny the President, as it would have denied others in times past, the Constitutional rights of "due process," "the equal protection of the law," and "the presumption of innocence," which are the rights of every individual, even accorded to non-citizens in our country.

The proper ground of impeachment is an open question. Whatever my opinion may be worth as one citizen, and it is instinctive—it is that all of the phrases and wording of the Constitution, and its Bill of Rights, lead me to the belief that it must be connected with proof of criminality. The oath which members of the Senate would take in any impeachment proceeding—leaving out the names—is:

"I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment, now pending, I will do impartial justice according to the Constitution and laws: So help me God."

It implies to me every protection of the Bill of Rights.

One can understand the human desire to settle the issue of Watergate quickly, and to get it behind us, and credit is due the responsible actions of the Courts and the Congress.

Events, decisions, pursue us, and last Friday's development—the appeal to the Supreme Court upon the issue of Executive Privilege—has caught up with my talk. I think I would be remiss if I did not refer to it, and I might say I consider such an appeal and its determination by the Supreme Court consistent with the theme of my talk.

The claim of this right of a President, based on the separation of powers, has been made many times in our history by many Presidents, and until recently, without substantial opposition or question. It has been discussed by members of the Supreme Court as recently as in the Pentagon Papers case. But if my studies are correct, there is no Supreme Court decision on this issue except in Reynolds v. United States, in which the claim of privileges was upheld on the ground of security.

In the much quoted case of United States v. Burr, a criminal case not before the Supreme Court, Chief Justice Marshall, who was presiding, did discuss the substance and merits of the claim, saying it might be necessary to reject the claim of privilege, to protect the life and liberty of Burr. But as far as I have been able to determine, the letter sent by President Johnson, with excisions made by him, was never submitted to the jury.

While I think it preferable that the courts should not be required to bear the full bur-

den of the dispute between the branches of our government, the Supreme Court may be required to do so on the issue of privilege. It is consistent with my theme that the appeal and its determination by the Court, are in the framework of our constitutional processes, and would do justice to all the parties, and the nation.

I am aware also of the argument that, in times of crisis and emergency, the interests of the nation may be superior to the rights of the individual, and thus today the interests of our country, domestic and foreign, require that the President resign or be impeached.

I do not agree, and this argument must be examined closely. Our system of governments is not inflexible. The courts and the Congress have the means. Constitutional and legal, to establish the pre-eminent interests of the nation over individual rights, which they have exercised at times. It is recognized that there are many gray areas, such as war powers, where the powers of the President are great, unless specifically and constitutionally denied by the Congress. As we learned in the debate over the war in Vietnam, the power to withhold money is the ultimate and only sure power of the Congress in the gray area of war powers.

Constitutional principles and the ideal of fairness toward individual rights have been breached in our history upon the basis of superior national interest. Two well-known examples are the decisions of two great Presidents. During the Civil War, President Lincoln, torn by the danger to the preservation of the Union, suspended the writ of habeas corpus, but his order was overturned by the Supreme Court. President Franklin D. Roosevelt, on the basis of national security, ordered fellow citizens of Japanese ancestry removed from their homes and businesses on the West Coast. The order was upheld by the Supreme Court, but it remains a shameful blot in our history.

In all that I have said, I do not suggest any diminution of the First Amendment rights—freedom of speech, of the press, of petition, of worship. They are essential to the maintenance of free government, of democratic government, of incorruptible government, and faith in our institutions. There are no prohibitions against these rights, except the very limited boundaries which have been determined by the courts. I do suggest, nevertheless, that if the ideal of American fairness is to live and to have the respect and support of the people, which is essential, a moral responsibility of fairness rests with the legal profession, and certainly with the media, which has the task and opportunity to investigate, to inform and educate, and upon all of us. I have believed that this essential fairness has not been observed by all elments of the media.

As I said at the outset, I cannot think of any period during my experience in the Congress and public life when some crisis did not seem at the time to imperil the nation's institutions, and which brought often into issue the powers of the President and the Congress. The McCarthy period, the proposals to seize the steel mills, and to impress striking railroad employees into the military service, and the violence of the late Sixties are examples. Yet, and this is my essential theme today, our country has survived and it will continue to survive, because of the common sense and good judgment of the people, and their reliance on law and fairness, rather than on expedients.

Justice Hughes wrote in his work, "The Supreme Court of the United States":

"In our system, the individual finds security in his rights because he is entitled to the protection of tribunals that represent the capacity of the community for impartial judgment as free as possible from the passions of the moment and the demands of interest and prejudice. The ends of social justice are achieved through a process by which every step is examined in the light of the principles which are our inheritance as a free people."

Ours is a tenuous system of government, depending in the greatest measure upon the trust and respect of the three branches in each other, and the trust of the people. I am optimistic about its future, for ours is a system of law and essential fairness—"the Amercan ideal of fairness."

Our country requires the continuing, searching examination of its institutions, and an insistence by the people that its promise and highest values be realized.

Many, and particularly the young, are making this examination. Some, mindlessly or purposely, are destructive of society. It is understandable that others are cynical, believing it an illusion that they can order their lives, or have any real effect on our political or social order. Faith and belief may seem empty dogma when not supported by the decency and dignity of life.

I do not minimize our country's problems, but I know of no other country which has made such an effort to correct them—whether discrimination, poverty, the environment, education, or social justice—and fairness requires the truth that during the administration of President Nixon, great initiatives in foreign affairs—unthought of a few years ago—have been taken to establish common understandings with other countries upon which peace can be built, and to avoid the danger of nuclear catastrophe.

I do not want to quote former Chief Justice Warren out of context, but the timeliness and simplicity of his remarks at the commencement exercises at Morehouse College in Atlanta, Georgia on May 21 are compelling. Among other things, he said, and I quote:

The great virtue of our Government is that people can do something about it. They elect our representatives on all levels of Government, our Mayors, our Legislators, our Governors, and our President. Where they have made a mistake, they can rectify it in a subsequent election.

"I know that because of the complexity of our governmental affairs many people believe that any effort they might make would be inconsequential, but such is not the case. Everyone, no matter how humble, can have some influence on American life, and one never knows when his acts as an individual might have profound effects."

You who graduate into the legal profession have this opportunity, perhaps in a larger sense than many others of your age. The profession of the law is unique in many ways. It is based upon discipline and reason, but it is also a very human profession. It provides actual experience and insights into the weakness, the strength, the meanness, and the nobility of human beings. It provides the opportunity to sustain and yet advance the progress of the law, to attack the causes of injustice, and to protect the individual. It opens large opportunities to participate in political processes—as candidates, members of the branches of government, and above all, in the fulfillment of your duty as citizens.

There is a great deal of bitterness and hatred in life, and it is difficult to see how these unhappy characteristics can be changed without reason, simple respect—and love for others.

Justice Holmes said, "No man has earned the right to intellectual ambition until he has learned to lay his course by a star which he has never seen—to dig by the dividing rod for springs which he may never reach."

It is possible that one may never see the star or reach the springs of which Justice Holmes spoke. But in this great and ancient university, you have been taught to respect all that is best in citizenship, scholarship, and character, and to be faithful to that trust.

We salute you, and wish you success and good fortune in the years that lie ahead.

AMBASSADOR MARTIN ON POLITICAL PRISONERS

Mr. McGOVERN. Mr. President, some weeks ago I wrote to our Ambassador to South Vietnam, Graham Martin, inquiring specifically about two individuals held in that country's prison system. He provided a very comprehensive response, not only on the situation of these two prisoners but on his overall view of the political prisoner issue.

I am left with some strong doubts on this question, particularly on the resistance of the Thieu government to permit visits by independent, international groups. If the information supplied to Ambassador Martin is correct, then I should think all parties would be welcoming any and all groups who want to inspect the prisons.

In any event, I think my colleagues will want to read Ambassador Martin's response, and I ask unanimous consent that it be printed in the RECORD.

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

EMBASSY OF THE
UNITED STATES OF AMERICA,
Saigon, Vietnam, June 12, 1974.

Hon. GEORGE MCGOVERN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGOVERN: Thank you for your letter of April 17, 1974, requesting information on Mr. Van Day and Mr. Doan Hoa Dinh. I regret the delay in answering, but I wanted to be absolutely certain of my information before I sent it on to you.

I might add that the Embassy had nothing whatever to do with the trip of the fact finding mission to Viet-Nam conducted under the auspices of the American Security Council, I did see the group while they were here just as I saw a group headed by the Reverend George Webber which was here at the same time. I have not seen the "request" attributed to me by Mr. John M. Fisher and I am not familiar, therefore, with the context in which it was used. It is certainly true that I have asked all visitors to make known to me the names of political prisoners in order that I may continue to assist in bringing the whole truth to the attention of the Congress and the American people. I am, therefore, very grateful for your letter.

I have learned that Mr. Van Day is presently serving a three-year sentence for conspiracy, the use of forged official documents, and draft evasion. In the Republic of Viet-Nam as in the United States these offenses are regarded as crimes for which penalties are provided in public statute. Mr. Day was arrested on May 24, 1972, and sentenced by the Military Field Court of the Third Military Region—the court of competent jurisdiction in such cases—on September 4, 1973. Mr. Day's sentence will expire on May 24, 1975, i.e., three years from the date of his arrest.

Mr. Day's case is not one which calls for his exchange to the communist side under the Paris Agreement. Article 7 of the Protocol concerning the return of captured military personnel, foreign civilians and detained Vietnamese civilians defined "civilian internees" as persons who had contributed to the political and armed struggle between the two parties and had been arrested and detained for that reason during the hostilities. Persons accused or convicted of a breach of law like the military service law—just as persons accused or convicted of a common crime or violation of a civil statute—are not

included in these categories. The Agreement leaves unaffected the jurisdiction of the Government of Viet-Nam in cases involving law-breakers.

With respect to Mr. Doan Hoa Dinh, I have learned that he was arrested on April 30, 1972 for desertion, participation in unlawful demonstration, and arson in a police station. Subsequently tried by the Military Field Court of the Third Military Region, he was released on October 3, 1973.

In neither of these two cases have we been able to establish any denial of the normal rights of an individual so accused and tried. If you do have such evidence I will be very glad to go back with it in hand and give give you a further report of our attempts to establish its validity.

With respect to the general question of the release of prisoners as provided in the Paris Agreement, it is our firm belief that the Republic of Viet-Nam has now completed its obligation. The exchanges of February and early March of this year returned to the communist side all detainees in Government of Viet-Nam custody who were covered by the Agreement. We are certain that with those exchanges and the recent amnesty of 420 persons on Farmers' Day, the anniversary of the strikingly successful Land Reform Program, the present total of all prisoners in all detention facilities in Viet-Nam is not more than 33,000.

This figure of 33,000 leads me to make another comment. You may recall that President Kennedy brought me back from Geneva to be the Deputy U.S. Coordinator of the Alliance for Progress. I used to enjoy so very much the conversations we had as common tenants of the center table of the eighth floor dining room where you were directing the Food for Peace program with such distinction. I found that our backgrounds were similar and that our goals and aspirations for the American people were also quite similar. I also recall your revulsion when I told you of the savage harassment I had undergone in the previous Administration because I had been so outspoken against the abuses of the McCarthy period.

If you recall those conversations perhaps you may accept the fact that there is simply no way that I could ever be pressured to say anything I did not believe to be the truth and that I usually say nothing until I have patiently established the facts.

It would be a very great help to clear up the debate which has occurred over South Viet-Nam's prison system. Therefore, perhaps you could use your great prestige to call attention to this number of 33,000, of which I am absolutely certain, the next time the figure of "200,000 political prisoners" is presented to you.

I cannot, of course, say with equal certainty that within this number of 33,000 there are no prisoners we both might agree were "political prisoners". I can say that, despite the most meticulous checking, we have yet to establish that within this number of 33,000, there exists a prisoner who has been imprisoned solely because of his opposition to the present Government, or who would not have been imprisoned for the same offenses in our own country, or in Sweden, Great Britain or Canada, for example. That is a fact. I could have ignored it, but I believe the Congress and the American people do deserve to have the whole truth. And if the McCarthy crowd could not silence me in the fifties, I don't think our friends in the "new left" will be able to do so now.

During the spring I worked very hard to secure the completion of the prisoner exchange called for by the Paris Agreements. The remaining 3,500 held by the Republic of Viet-Nam have all been returned.

The Government and people of Viet-Nam hope the communist side will now comply with its obligation and release the civilian and military personnel still detained by that side. The numbers, I should add, are considerable: The Government of Viet-Nam has stated that 70,225 civilians and 26,645 members of the armed forces remain in communist hands or unaccounted for from the period prior to the January 1973 cease-fire.

The Government of Viet-Nam has also stated that as of last March 1,084 of its civilian officials and People's Self-Defense Force members have been abducted by the communists *since* the cease-fire and remain unaccounted for. A summary of the numbers of people abducted and the names of officials and Self-Defense Force members abducted is recorded in the enclosed booklet. The accounting of officials and Self-Defense Force members lists the places and in most cases the dates of abduction.

As I stated in an interview in the U.S. News and World Report, my goal is the completion of the American departure from Viet-Nam with all possible speed leaving the Republic of Viet-Nam economically viable, militarily capable of defending itself with its own manpower, and free to choose its own leaders and Government as its own citizens themselves may freely determine. I have studied this intensively since my arrival last July. I believe it can be done quickly if we provide sufficient economic aid over the next two or three years. And I would like very much to have your support because, in a very real way, it would be a validation of the principles which you have always espoused.

As ever,

Sincerely,

GRAHAM MARTIN.

COMMUNITY PRIDE

Mr. BARTLETT. Mr. President, I believe my colleagues will benefit from reading an article by Milo Watson published in the Perry, Okla., Daily Journal, of July 19, 1974.

I ask unanimous consent that it be printed in the RECORD.

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

EL TORO

(By M. W. W.)

A few years ago, Perry high students put on a campaign of "Pride in Perry", urging local citizens to boost our community and to promote pride in everything we say and do. No doubt the campaign had a good effect by alerting Perryans about the need for thinking and acting positively.

The way things are going, it wouldn't be a bad idea to have a similar project nationwide. What do you suppose other nations think of the habit of self-condemnation and criticism of our own U.S. political, economic and social institutions? Lack of pride has become a universal failing in the U.S. for the past decade or two.

If we do not value our own institutions, how can we expect others to? For years most of our major industries have been castigated in public for just about every economic and moral crime in the book.

Business, in particular, has felt the blasts of critics who, in self-proclaimed indigation, seek to run down those who maintain payrolls and provide the life blood of our economic system.

Perhaps in second place among targets of the critics are the government institutions. Public confidence has reached a new low in the agonizing year of Watergate. Unfortunately, the furor over the Watergate scandal has touched almost every public official, regardless of guilt or innocence.

The school board members, city and county officials, state and federal officers in every capacity are often lumped together in a general feeling that government is made up of those who are inefficient and dishonest.

Congress has perpetuated the trying times by making a TV spectacular out of endless investigations. No amount of pressure from the people has been able to halt the preoccupation of Congress with Watergate while important problems—such as inflation and crime—go untouched by the lawmakers.

A lot of the negativism would be eliminated and we could begin putting it all back together if Washington faced up to responsibilities of leadership. It is time to start trying to put it all back together. American institutions are not that bad. In fact they are pretty good compared with those of other nations.

Pride in things American on the part of the people of the U.S. is becoming one of the scarcest and most badly-needed commodities in the land today. It would be ghastly if the people of other nations started believing U.S. is really as bad as its own people claim.

IMPLICATIONS OF THE TORNILLO DECISION: FREEDOM OR FAIRNESS

Mr. ERVIN. Mr. President, much has already been written about the Supreme Court's recent unanimous decision in the so-called newspaper "right-to-reply" case, and deservedly so.

Its decision in the case of Miami Herald Publishing Company against Tornillo is a landmark. The Court suggests emphatically that the first amendment means what it says. Neither Congress nor any State legislature shall make a law abridging freedom of the press. A law, such as that in the Tornillo case, which makes it a crime for a newspaper to refuse to provide editorial space for a candidate to reply to a critical editorial, seems to me a rather egregious violation of this principle, and the Supreme Court has agreed.

The Court took this strict view of the first amendment despite the surface appeal of Mr. Tornillo's case. He had declared himself for a local office in Miami and had the political and personal misfortune of becoming the subject of the Miami Herald's not so tender mercies. He was attacked in the paper's editorials and sought what we all would concede would be simple fair play—he asked the paper to grant him space to defend himself.

Now, perhaps out of fairness, the Herald should have granted him the newspaper equivalent of "equal time" to respond to a personal attack. But it did not. Even in the face of a threat to invoke an ancient Florida law with criminal penalties, it chose to defend its editorial control over the contents of the paper.

The Herald preferred to rely on the "arbitrary" power guaranteed by the first amendment, rather than the fairness demanded by the statute. This case, therefore, teaches us that there are some things more important than ordinary fairness. It should remind us that freedom of speech and press is not a "mere factor" to be balanced against other seemingly desirable social or political needs. Rather, the first amendment guarantee stands supreme.

The Court's decision, apart from its obvious constitutional merits, has other important implications, particularly for the broadcast media. The Court long ago

made it clear in the case of *United States* v. *Paramount Pictures, Inc.* 334 U.S. 131 (1948) that the first amendment's "free press" umbrella covered the broadcast media as well as the print media. But as yet, totally divergent results have flowed from this original principle.

In the Tornillo case, the Court struck down a State statute requiring any newspaper which "assails the personal character of a candidate," or which charges a candidate with "malfeasance or misfeasance in office," or "attacks his public record," or "gives to another free space for such purposes," to furnish the same space for the abused candidate to reply.

In an earlier case involving the rights of broadcasters, the Court had placed its imprimatur on a Federal statute with somewhat comparable provisions. In the 1969 case of *Red Lion Broadcasting Co.* v. *FCC* 395 U.S. 367, the Court approved section 315(a) of the Communications Act of 1934 which requires that broadcasters, on pain of losing their licenses, "afford equal opportunities to all candidates" once they allow any one candidate an opportunity to use their broadcast facilities. The Court stated:

> There is nothing in the First Amendment which prevents the Government from requiring a [broadcast] licensee to share his frequency with others and to conduct himself as a proxy or fiduciary with obligations to present those views and voices which are representative of his community and which would otherwise, by necessity, be barred from the airwaves.

Contrast this language with the language in the Tornillo decision applying to newspapers:

> A newspaper is more than a passive receptacle or conduit for news, comment, and advertising. The choice of material to go into a newspaper, and the decisions made as to limitations on the size of the paper, and content, and treatment of public issues and public officials—whether fair or unfair—constitutes the exercise of editorial control and judgment. It has yet to be demonstrated how government regulation of this crucial process can be exercised consistent with First Amendment guarantees of a free press as they have evolved to this time.

In the Red Lion case, the Court had no problem with the Federal Communications Commission deciding whether the editorial policies of a radio station violated section 315(a), or whether they had violated the FCC's "fairness doctrine" which requires that licensees provide reasonable opportunity for the presentation of both sides of controversial issues of public importance. But in the Tornillo case, cited here, the Court says it has "yet to be demonstrated" how such governmental regulation of the editorial process can be consistent with the first amendment.

The Court goes even further in its Tornillo opinion to state that newspaper editors who must function under the threat of a criminal prosecution if a jury decides they have not met the requirements of the statute, would be inhibited in their presentation of opinion. The Court said:

> Faced with the penalties that would accrue to any newspaper that published news or commentary arguably within the reach of the right of access statute editors might well conclude that the safe course is to avoid controversy and that, under the operation of the [state] statute, political and electoral coverage would be blunted or reduced. Government enforced right of access inescapably dampens the vigor and limits the variety of public debate.

But this concern for governmental intimidation of editors did not particularly trouble the Court when it came to broadcasters. Justice White, writing for the majority in Red Lion, stated:

> It is strenuously argued that if political editorials or personal attacks will trigger an obligation in broadcasters to afford the opportunity for expression to speakers who need not pay for time and whose views are unpalatable to the licensees, then broadcasters will be irresistably forced to self-censorship and their coverage of controversial public issues will be eliminated or at least rendered wholly ineffective. . . .
>
> That this will occur now seems unlikely, however, since if present licensees should suddenly prove timorous, the Commission is not powerless to insist that they give adequate and fair attention to public issues. It does not violate the First Amendment to treat licensees given the privilege of using scarce radio frequencies as proxies for the entire community, obligated to give suitable time and attention to matters of great public concern. . . .

I think it is clear from these opinions that broadcasters have not been accorded the same advantages of the first amendment that have been accorded to newspapers. The reason continually cited for this constitutional differentiation between types of media, as Justice White and many others have noted, is the assertion that broadcast frequencies are scarce and not available to all persons, while the print media is theoretically available to all.

I find this proposition questionable in view of the recent expansion of the broadcast industry and the concurrent consolidation of the printed media, but it is not my intent to discuss this point here. I considered the matter in some detail in my remarks to the Senate on November 14, 1973.

I simply want to call to the attention of the Senate some of the implications I see in the Tornillo decision. Some may see it as a retreat from the position taken in Red Lion, and feel that it holds out hope for the future of broadcasting. In my estimation, this may be expecting too much. The Court has given no indication that it will reconsider its underlying assumption of scarcity as a grounds for limiting the first amendment rights of broadcasters.

It is, however, appropriate to note that with the Tornillo decision, the Court has enunciated a first amendment theory which, if its scarcity rationale were dropped, may spell the end of any governmental intimidation of broadcasters. Consider, in conclusion, these words of Justice White:

> Regardless of how beneficient-sounding the purposes of controlling the press might be, we prefer "the power of reason as applied through public discussion," and remain intensely skeptical about those measures that would allow government to insinuate itself into the editorial rooms of this Nation's press. . . .
>
> Of course, the press is not always accurate, or even responsible, and may not present full and fair debate on important public issues. But the balance struck by the First Amendment with respect to the press is that society must take the risk that occasionally debate on vital matters will not be comprehensive and that all viewpoints may not be expressed. The press would be unlicensed because, in Jefferson's words, "Where the press is free, and every man able to read, all is safe." Any other accommodation—any other system that would supplant private control of the press with the heavy hand of government intrusion—would make the government the censor of what the people may read and know.

Mr. President, I commend those words to the Senate and to the Court.

AID FOR SNOW DROUGHT

Mr. McINTYRE. Mr. President, I am pleased to be among the supporters of this bill, S. 3641, to extend the Economic Development Act. This bill, with its new section providing special adjustment assistance to communities hit with major economic problems, can help provide needed relief for areas of my State, New Hampshire, and the rest of the eastern seaboard States where our local ski industries have been hit with some of the wettest winters ever.

Snow drought has brought economic hardship to many communities. This act should help them.

I have long supported the idea of loans and assistance to businesses caught in economic adversity. Now, I hope, this legislation can provide help for problems that come from the weather, bringing relief to communities that are in winter one-industry towns where the one-industry can be a snowless ski resort.

I am particularly pleased at the efforts of my distinguished colleague, the Senator from New Mexico (Mr. MONTOYA) to increase the funding available for this kind of special assistance to $100 million. I hope that some of these funds will be available quickly for our hard-pressed communities and that my colleagues will convince members of the other house of the wisdom of our decision.

SENATOR WAYNE MORSE: "PRINCIPLE ABOVE POLITICS"

Mr. PACKWOOD. Mr. President, in less than a month this Nation has lost three men of high caliber and great conscience. One, a great jurist and the other two, remarkable legislators. Similarities can be drawn between all three—Earl Warren, Ernest Gruening, and Wayne Morse—for if any belief linked their souls, it was an adamant faith in our country's Constitution. That most, if not all, of our pressing problems could be traced to a disturbing disregard for principles contained in that great document.

It was this message that was the great labor of Wayne Morse's life, and truly it was this effort that should rule our memory of his career. The touchstone of Wayne Morse's 24 years in the U.S. Senate, and throughout his splendid service as labor arbitrator and dean of the University of Oregon law school, was the U.S. Constitution. Wayne Morse took instruction from no one except the Founding

Fathers. It was this abiding faith which gave life to his own philosophy of constitutional liberalism.

No President from Roosevelt to Johnson, neither political party nor partisan persuasion, could sway Wayne Morse from his complete devotion to principle. Any attempt would always bring the wrath of the Senator from Oregon to full bear. "Principle above politics" was his cry in every campaign. And to Wayne Morse his principles always stood for truth.

Despite the 17th century warning of John Milton, that "truth never comes into the world but like a bastard, to the ignominy of him that brought her forth," Senator Morse would speak without hesitation and at times would blister this body with his rhetorical rhapsodies. He would rant:

If I say that the United States is the greatest threat to world peace, I say so simply because it is true. If the truth is intemperate, then I will continue to be intemperate.

Exposition of the truth, then, for Wayne Morse was never an ignominous task, for often he pointed vociferously to the facts and was not hoodwinked by imitation. There is no greater illustration of Senator Morse's vision than his now legendary opposition to the Tonkin Gulf resolution. Joined only by the late Senator from Alaska, the "indomitable Morse and Gruening," as Arthur Schlesinger called them, cast their conscience in an otherwise unanimous sea of votes blinded to their vision.

Eventually the tide was reversed, and time did offer vindication. But before this plodding reversal finally occurred, Wayne Morse was subject to vituperation, and it takes a man of undaunted courage, convinced of his cause, to weather such a storm. Largely, though, it was a case of an immovable object meeting an only temporary force, for when Senator Morse was not the force behind controversial winds, he always mustered a more than countervailing fury.

The force and fury of Wayne Morse knew no bounds. With cantankerous outrage fueling an already raspy voice, he would deplore a stance taken by a President 1 day, only to enthusiastically support an education program, favored by the White House, almost in the same breath. Always the measure for support was the principle behind the argument and not past disagreement. At times the Morse verbal blade struck with such speed that cuts were perhaps deeper than intended but it was a sword thrust only by conviction and lacked the twists and supturns of spite.

Few men were as controversial during their life as Wayne Morse. Men who search out the truth do not often travel en masse, since the controversy which often swirls around the discovery of truth breeds hard contests which only the strongest may survive. Ashamedly, truth is consequently avoided, and yet while those who do have the courage to search and proclaim are often alone they are never lonely; for a man of strong and true principle is the greatest friend a people can have. Thus, as Shakespeare wrote, Wayne Morse lived:

This above all: to thine own self be true,
And it must follow, as the night the day,
Thou canst not then be false to any man.

And so too, our memory shall never be false if we always recall that it was Wayne Morse's unswerving principles which shall forever be the great heir to fame and a lesson for our time.

CYPRUS AND THE WAR POWERS RESOLUTION

Mr. EAGLETON. Mr. President, the Defense Department has responded publicly to my remarks of July 31, regarding the failure of the administration to report the introduction of Armed Forces into Cyprus for the purpose of evacuating Americans. Such a report is, in my opinion, required under section 4(a)(1) of the war powers resolution

The administration's explanation for failing to report includes the following points: First, that the areas where American helicopters landed was not part of the hostile zone; second, that the mission—evacuating Americans and foreign nations—was "humanitarian"; and third, that our forces were unarmed.

It is not my purpose to question the administration's motive or even its modus operandi in evacuating the innocent victims of a war. It is instead to assure that a precedent is not established in the Cyprus case whereby the executive branch assesses a particular situation which may come under the war powers resolution and, on the basis of information available only to the executive, decides that no report is required under the law.

Let us ask first what we are arguing about. What is so contentious and so provocative about submitting a report to Congress?

We are not talking here about a struggle over the President's authority. Questions of prior authority were, to my regret, written out of the final version of the war powers bill. All that is required now is an ex post facto report. Why then all the fuss? Why not err on the side of sending the report instead of arguing over whether the circumstances of the case are within the intent of the legislation?

Section 4(A)(1) is clearly written and, in my opinion, it would definitely encompass the landing of forces in Dhekelia, Cyprus, to say nothing of the reported landing of American helicopters at Kyrenia. That section states that—

In the absence of a declaration of war, in any case in which United States Armed Forces are introduced . . . into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

Section 4(A)(1) says nothing about excluding "humanitarian" missions. Nor does it state that unarmed forces need not be reported. We come down then to the central issue—was it a hostile area?

If the administration argues that hostilities were not in evidence in Dhekelia and Kyrenia, there is little Congress can do to confirm that assertion, at least within 48 hours. But we do not need access to classified reports to know at least that the circumstances on Cyprus on July 22 clearly indicated the possibility of an "imminent involvement in hostilities." Any reasonable person—any person not attempting to split hairs in the style of a corporate lawyer on a tax case—would have to agree with that assessment.

Mr. President, the discussion that has ensued in the past few days gives me great concern. It seems that instead of insisting on an automatic, routine response by the Executive under section 4, we may now be willing to listen to the Executive's explanation of the event and decide on the basis of that explanation whether the law should be obeyed.

Whether or not there is cause for some to accept in good faith the administration's explanation, past experience shows that we cannot depend upon the personal trust which may exist between some Members of Congress and some representatives of the executive branch. The alleged Gulf of Tonkin attack and the secret bombing of Cambodia are two well-known examples of the overdependence of special relationships and the advantage that accrues to the Executive when he can choose who in Congress he would like to take into his confidence. The administration's explanation in the Cyprus case—both public and private—should be considered moot. The language of section 4(A)(1) is clear enough.

Mr. President, we must take the subjectivity our of the war powers reporting requirement and insist on automatic responses from the Executive whenever our forces enter a country where there are ongoing hostilities or where there is an imminent threat of such hostilities. If there is doubt over whether a report should be sent, then the report should be sent. This is the only way that a 535-Member body can protect its statutory prerogative.

COMPETITION IN THE OIL INDUSTRY

Mr. STEVENSON. Mr. President, the Senate Interior and Insular Affairs Committee has held hearings on S. 3717, introduced by our colleague Senator HUMPHREY. As a cosponsor of this legislation to extend the Emergency Petroleum Allocation Act of 1973, I agree that such action must be taken by Congress. A clear sign of congressional intent to maintain competition in the oil industry and to protect the consumer from the impact of inflation that surely will follow if oil prices are decontrolled, must be made now. The opposition of the administration to an extension of the allocation act is just another manifestatoin of its belief that "What is good for Exxon is good for the country."

Given the present state of our economy, if all price controls for petroleum products are allowed to expire, the impact will be devastating. Immediate action to extend this legislaiton is required.

Mr. President, I request unanimous

consent that this statement made by Senator HUMPHREY before the Interior Committee be printed in the RECORD.

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

STATEMENT BY SENATOR HUBERT H. HUMPHREY BEFORE THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, JULY 31, 1974

Mr. Chairman, I have come this morning to urge the Committee to recommend that the Senate extend the Emergency Petroleum Allocation Act, as proposed in legislation I have introduced, S. 3717. The Emergency Act has served the Nation well. It has permitted the Federal Energy Administration and its State counterparts to step into situations where fuel supplies were inadequate to make sure that essential activities, such as food production and essential public services, were not disrupted. It has permitted the FEA to moderate greatly the inflationary impact of higher world oil prices on the U.S. economy by preventing the price of some already flowing domestic crude oil from adjusting upward to the world level. It also permits the FEA to direct the major oil companies to continue supplying the independent oil refiners and distributors. Although the administration of this part of the Act up to now has not been adequate to save the independent sector from being severely squeezed, it has saved the independents from complete extinction.

MAINTAINING ESSENTIAL ACTIVITIES

No one needs to be reminded of the dire fears and forecasts that existed last fall concerning the adequacy of heating fuel in certain parts of the country. Some disruption of transportation and production did occur, but a great deal was avoided through the efforts of the FEA and collaborating State officials. No one needs to be reminded of the drastic shortage of gasoline that prevailed intermittently from last Thanksgiving through the beginning of April. Bad as it was, it was greatly mitigated by the FEA acting under the authority of the Emergency Petroleum Allocation Act.

Mr. Chairman, supplies since that time have been adequate in the main largely because of our good fortune with last winter's very mild weather. Meanwhile we have foolishly returned to business as usual. Our consumption is growing again but increases in domestic crude production and refinery capacity are still some years away. No one guarantees that shortages will not return if, for instance, next winter is not so merciful as last.

They could well be worse than anything we have seen yet. The allocation machinery is just getting oiled up. The first break in the storm clouds is no time to throw away our authority for dealing with a problem that all agree is a long-term matter.

CONTROLLING INFLATION AND OIL PROFITS

As for oil prices, Mr. Chairman, I think we do not realize how much the Emergency Petroleum Allocation Act has permitted FEA to soften the blow to the U.S. economy. Despite the fact that crude price increases were granted which profited domestic producers about $10 billion, the price controls have held the price of 60 to 70 percent of U.S. domestic crude production at about one-half of the level to which it would have gone without controls. As a result, the increases in oil prices were shaved by about one-third.

If the Emergency Act is allowed to expire, the prices of all crude oil and oil products will "even up" to a level commensurate with OPEC prices. This will mean that all regular gasoline will go up another 10 cents a gallon to about 65 cents per gallon from today's average of about 55 cents. Fuel oil will rise sharply again. And these increases will be reflected in the prices of freight rates, air fares, electricity, and all the goods that contain some fuel component.

It is estimated that last year's big jump in crude oil prices contributed about 3 percent on top of other factors to this year's alarming rate of inflation. If we decontrol oil prices next February, we can expect similar shock waves to roll through the economy again.

Mr. Chairman, I believe that the public just will not condone Congressional inaction that will result in another huge windfall for the oil industry at the expense of consumers. I can think of almost nothing that would make people madder.

There is no economic reason for permitting it to happen. Higher prices are not resulting in increases in new oil production or drilling activity. In fact higher prices and new oil corporation profits would most likely result in the feverish scramble for scarce resources in the industry and bidding up prices of rigs, piping and labor even more.

Let me remind you that absolutely no action has been taken by the Senate up to now to recover any of the oil profits bonanza in taxes, either for this year or in the future.

SAVING COMPETITION IN THE OIL INDUSTRY

If it weren't for the Emergency Petroleum Allocation Act, Mr. Chairman, there would be virtually no independent refiners or marketers left in the oil industry today. They would have been rubbed out clean in the short period of two years. As it is, they have suffered great attrition, and their share of the retail market, for instance, has slumped, according to a recent FEA consultant's report, from about 28 percent in 1972 to about 17 percent at present.

Various observers of the oil industry have testified—several of them before the Subcommittee on Consumer Economics, which I chair—that the major oil companies in the past have taken most of their profits at the crude-oil level and have kept the profitability of refining and marketing artificially low as a means of curtailing competition there. However, now that overseas producing countries have seized control of much of the crude production and the associated profits, the major companies are turning increasing attention to tightening their grip on the downstream sectors and to increasing profits there.

Some major companies are taking over previously franchised stations for their own use, and all of them continue to build new stations, often to represent their so-called "fighting brands;" that is "gas-and-go stations" set up to compete directly with the independent gasoline marketers. This is why the independent firms, already weakened financially by two years of supply starvation, are convinced that they will not be able to obtain adequate supplies from their major-company competitors now that the latter are moving in to take over the action. And we need the competitive influence of the independents more than ever.

As I indicated, Mr. Chairman, while the Emergency Petroleum Allocation Act has provided vital authority to regulate oil supplies and prices, it has not succeeded as it is administered in assuring fair pricing to the independent sector of the industry. Although the law provides for fair distribution to all segments of the industry at fair prices, the FEA refused for a long time to take any action to assure fair pricing.

So the major companies could fulfill their supply commitments to independents largely with crude oil at the high uncontrolled price and with products based on such crude, while underselling their competitors with oil at the lower controlled price. This has meant that supply commitments to independents, in many cases, were meaningless, because at the prices offered the supplies could not be resold.

For example, Exxon is selling regular gasoline in Washington, D.C. for about 55 cents a gallon under price control, but independent stations receiving only uncontrolled oil must charge well over 60 cents. With this disparity in costs, the independents cannot sell any gas and are rapidly going out of business. I attach for the record three tables provided by the Independent Gasoline Marketers' Council, showing their increase in wholesale prices compared to that of the integrated companies and their resulting loss of market share of price.

FEA's response to this problem has been very halting and incomplete. Recently, after much footdragging, they ordered the majors to supply certain quantities of lower-priced oil to a small selection of independent refiners whose costs were farthest out of line. FEA contended that this correction at the refinery level would take care of the desperate plight of independent marketers as the savings in cost were passed through. But this is a totally inadequate response to the problem and leaves many independent refiners and marketers in an untenable competitive position.

THE NEED FOR PROMPT ACTION

In closing, Mr. Chairman, I urge the Committee and the Congress to act quickly on this matter. The need to expedite the renewal legislation stems from the fact that the Administration is proceeding with its decontrol plans for this Fall and Winter. The result of this is that producers and distributors all along the line will begin to hold back production as decontrol approaches in hopes of realizing a sizeable increase in price and in the value of their inventories, including inventories in the ground. Therefore, we cannot act too soon to remove this uncertainty from the market and to convince the industry that it will profit them nothing to hold back production in anticipation of new shortages.

INDEPENDENT GASOLINE MARKETERS COUNCIL SALES VOLUMES ANALYSIS, JUNE 28, 1974

Comparison of sales of motor gasoline by sample of nonbranded independent marketers, representing more than 2,700 retail outlets from coast to coast and, sales of motor gasoline by total industry, as reported by the Federal Energy Administration;

Time period	Base period, 1972	Current, 1974	Percent of base period
Sample of nonbranded sales:			
January	156, 385, 023	133, 457, 685	85. 3
February	149, 150, 279	129, 918, 573	87. 1
March	176, 010, 430	136, 085, 432	77. 3
1st quarter	481, 545, 732	399, 461, 690	82. 9
April	174, 699, 612	138, 014, 540	79. 0
Total industry sales:			
January	7, 226, 016, 000	7, 563, 150, 000	104. 7
February	6, 955, 998, 000	6, 835, 584, 000	98. 3
March	8, 348, 760, 000	8, 190, 294, 000	98. 1
1st quarter	22, 530, 774, 000	22, 589, 028, 000	100. 3
April	7, 905, 870, 000	8, 058, 582, 000	101. 9

INDEPENDENT GASOLINE MARKETERS COUNCIL WHOLESALE PRICE MOVEMENT ANALYSIS, JUNE 28, 1974

Comparison of the average cost of regular gasoline, excluding taxes, to nonbranded independent marketers, representing more than 2,700 retail outlets from coast to coast, and the average cost of regular gasoline, excluding taxes, to all marketers, as reported by Platt's Oilgram for 1972 (average of 55 markets) and by the Federal Energy Administration for 1974:

Time period	Base period 1972, cents per gallon	Current 1974, cents per gallon	Percent of base period
Nonbranded average costs per gallon:[1]			
January	12.7	23.3	183
February	12.7	26.9	212
March	12.7	29.7	234
1st quarter	12.7	26.6	209
April	12.8	30.2	236
All marketers average costs per gallon:[2]			
January	13.0	20.2	155
February	12.9	22.5	174
March	12.0	24.2	201
1st quarter	12.6	22.3	183
April	12.2	25.5	209

[1] Nonbranded costs do not include national brand name advertising and refiner credit card services as do branded jobber costs.

[2] Cost figures are based on dealer tankwagon prices, less 5 cents to reflect jobber margins, but without adjustment for refiner advertising and credit card services.

INDEPENDENT GASOLINE MARKETERS COUNCIL MARKET SHARE ANALYSIS, JUNE 28, 1974

The market share of nonbranded independent marketers during current periods of 1974, measured in each period as a percentage of the comparable period of 1972. The sample consists of sales of motor gasoline by more than 2,700 retail outlets from coast to coast.

Percent of base period market share

[In percent]

1974:	
January	81.5
February	88.8
March	78.7
1st quarter	82.2
April	77.7

TWENTY-FIFTH ANNIVERSARY OF GSA

Mr. HUGH SCOTT. Mr. President, this month marks the 25th anniversary of the General Services Administration. Many of us here have watched GSA grow and mature during these 25 years until it has become the efficient business manager of the Federal Government.

Earlier this month the President wrote to express his appreciation to GSA Administrator, Arthur F. Sampson, for the service the agency has rendered during its first 25 years. I would like to share with my colleagues President Nixon's letter, and suggest to my colleagues that the employees of GSA, typical of our many thousands of civil servants, deserve acclaim for their dedication and hard work.

Mr. President, I ask unanimous consent that the letter from the President be printed in the RECORD at this point.

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

THE WHITE HOUSE,
Washington, July 12, 1974.

On July 1, 1949, the Eighty-First Congress of the United States enacted the Federal Property and Administrative Services Act which combined several existing agencies to create the General Services Administration.

Today, after a quarter century of distinguished service, GSA and its dedicated employees deserve the gratitude and respect of their fellow citizens.

Originally charged with developing and administering an efficient property management program for the Federal Government, GSA has expanded its efforts far beyond the basic administrative duties contained in its charter. During its first twenty-five years it has performed a range of duties broad enough to earn it the title of "business manager" of the Federal Government.

Through its leadership in the formulation of governmentwide management policy and its innovations in the areas of consumer information and the problems of energy and our environment, it has developed into a major Federal agency whose many programs benefit all Americans.

This month, as GSA celebrates its twenty-fifth anniversary, the devoted men and women who have carried out its duties can share a deep pride in their agency's outstanding record of achievement. It is a pleasure for me to recognize on behalf of a well-served nation the excellent manner in which GSA continues to meet its responsibilities and the manner in which it consistently lives up to its anniversary motto: "Progress Through Excellence—Service Through People."

RICHARD NIXON.

MIDWEST GOVERNORS' CONFERENCE

Mr. HUMPHREY. Mr. President, the Midwest Governors' Conference was held in Minneapolis, Minn., from July 28 through 31. A number of resolutions were adopted, two of which I bring to the attention of the Senate.

The first is a resolution sponsored by Gov. Patrick J. Lucey of Wisconsin and unanimously supported by the Midwest Governors' Conference, urging the Congress to continue the mandatory fuel allocation program and, secondly, calling upon the Congress and the executive branch to establish a national grain reserve.

Another resolution related to the situation facing the dairy industry. This resolution was likewise given unanimous support by the Midwest Governors.

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

I also ask unanimous consent that the remarks of Mr. Tony Dechant, national president of the Farmers Union, be printed in the RECORD. Mr. Dechant made a strong presentation to the Midwest Governors' Conference, urging the establishment of a national grain reserve program and reminding the Governors of the incredible rise in the cost of production of agricultural products.

These resolutions and the address of Mr. Dechant deserve the thoughtful attention of every Member of Congress.

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

PROPOSED RESOLUTION BY GOV. PATRICK J. LUCEY, WISCONSIN

Whereas, In the next few years the well-being of the American people and millions of our fellow men and women throughout the world will depend heavily on the agricultural production of the American farmer; and

Whereas, In times of escalating resource demand and global concern about food, fuel and mineral shortages we must take extreme care to protect and strengthen our renewable agricultural resource base; and

Whereas, There are indications on a national and international level of continuing fuel and food shortages of severe magnitude over the next decade; now therefore be it

Resolved, By the Midwest Governors' Conference:

1. That strong and forceful action, including the continuation of our nation's mandatory fuel allocation program, be taken to assure that every necessary resource (e.g. fuel and fertilizer) will be available to our nation's agricultural producers to insure peak production in the coming months;

2. That Congress and the federal executive establish a national grain reserve, and develop other new programs to insure that America will have the potential to actively assist other nations in meeting the threat of severe food shortage or starvation over the next decade.

PROPOSED RESOLUTION ON DAIRY IMPORTS SUBMITTED BY GOV. PATRICK J. LUCEY, WISCONSIN

Whereas, American dairy products and the American dairy industry are vital to the continued health, nutrition and well-being of this nation; and

Whereas, Dairy production and dairy products are of specific importance to the economy of the Midwest and to a balanced national agricultural effort; and

Whereas, The dairy import policies of the federal government are creating extensive hardships for American dairy producers, hardships which penalize the farmer in the short run, but whose long-term victim will be the American consumer, no longer assured of adequate supplies of high quality domestically produced dairy products; and

Whereas, There is an urgent need to place the full weight of federal agricultural policy behind assuring a continued steady supply of American dairy products and the continued successful operation of America's dairy industry: now therefore be it

Resolved, By the Midwest Governors' Conference:

1. That immediate action should be taken by the federal government to insure that imported dairy products and producers meet the same high standards as are required of American producers, and that American consumers are guaranteed a uniformly high quality and healthful dairy product;

2. That federal farm and dairy import policies should have as their primary concern the welfare of the dairy farmer and maintenance of the viability of the American dairy industry;

3. That the dairy farmers of the Midwest, and the dairy product consumers of America should not be made the pawns in a misguided attempt to improve America's balance of trade by bartering away our dairy production capacity for imagined economic advantages in other spheres.

REMARKS BY TONY T. DECHANT, NATIONAL PRESIDENT, FARMERS UNION

I will not discuss the food crisis that hangs like a dark cloud over the world today, threatening to blot out peace and progress, and life itself for untold millions. Others have, and will, do that more eloquently than I could. Neither will I attempt to discuss the need for mankind to limit population of our planet. If we do not do that, then, at best, we are only racing against time as we pit our ability to produce food against the glandular propensities of mankind—and the glands will win.

Instead, I want to talk about the here and now, and the only commodity that can head off mankind's most dreaded disaster—hunger and starvation.

Food is the product of solar energy transformed to biological energy in a delicate combination of air, soil, and water. Topsoil is a fragile membrane around the earth, comparable to a thin sheet of cellophane around a bowling ball. The impurities of air and water are measured in parts per million. Yet every effort to plan for permanence and purity of these resources meets opposition. In recent months, for example, major land use legislation was defeated in the Congress of the United States.

But food production is not all earth and

air and water. Nor is it just seed and fertilizer and chemicals and machinery. It is *people*. It is men and women and children with minds and bodies and souls. They work and play. The meet and *vote*. They buy and sell. They seek personal perfection in churches and in prayer and meditation. They seek social perfection in the causes of peace and prosperity in their political and economic institutions—in political parties, governments, partnerships, and cooperatives.

All of these pursuits are carried out to fill the special needs of rural people whose lives are spent in a singular pursuit—the production of food and fiber, mankind's most urgent necessities. They are bound together in rural cultures, set in rural communities.

Where are the planners for rural cultures? All our planners are city planners. Our children are told in their schools and in the movies and on television that beauty and adventure and fulfillment can only be found in the cities of the world.

Are we determined to destroy the basis of our food production system at the very time when famine threatens such vast areas of the world?

It is quite natural that in the face of this impending disaster, we should hear a great hue and cry over food. "Let agriculture make its full contribution to the American economy," says Secretary Butz. By that he means that farmers must produce from fence to fence and border to border. Government officials assure consumers that fence-to-fence record production and the consequent larger supplies will "ease pressure" on farm prices. "Ease pressure" is a euphemism. That's a term that sounds nicer than its real meaning. "Ease pressure" means *lower prices* for farm commodities. It tells us that record production always brings. Can you recall a single instance in American history when record production did not bring low prices?

Record production "eases prices," all right. It has *eased* them so much and so often that 20 million people *eased* out of rural America during the record produtcion years from 1950 to 1970.

The farmer must look to the market for guidance, says our government. That means when prices are high, farmers will strive for "record production." Record production always brings low prices. The logic of low prices when we are being guided by the market is to produce more because the high cycle is just around the corner. So we've still got "record production." And—you guessed it—we've still got low prices.

Thus does the "boom" turn to "bust." We simply must recognize that the instability of 'boom and bust" will not bring us the *stability* of plentiful food production..

When we talk of food, we are talking of a physical commodity—measured in pounds and tons, occupying space that is measured in cubic inches and feet. If the container is empty, lacking the dimensions of weight and volume, then we are talking about the absence of food.

Food is not produced by some miraculous, continuous process. It is produced seasonally and the seasons are uncertain. They are marked by drouth and flood and the invasion of pestilence. Yet there is a remedy for the uncertainty of the seasons, and the shortages that may result. It is a remedy universally agreed upon, not only for shortages, but for surpluses which work much havoc in the farm economy. *The remedy is reserves.*

Reserves are the second innovation of the age of agriculture, the logical follow-up to production itself. Nor are reserves limited to agriculture. They are used in every essential pursuit—ranging from metals to money—to fill needs in times of shortage, to change surpluses from curse to salvation. Reserves are available in times of short production. The empty spaces are filled during times of plenty.

We are told that reserves are too costly. But we can accumulate reserves only when we have surpluses. What is the cost? The cost of reserves is only this—the cost of not having a farm depression.

In this period when the world faces hunger and starvation for millions, the planners play out a black comedy in opposition to reserves. When surpluses come again—to bring low prices and destitution to producers—have no doubt the comedy will grow darker and more absurd as opposition to reserves continues.

Another aspect of the food problem is that food is not produced evenly over the surface of the earth. It cannot be, for the basic resources to produce—topsoil and water—are unevenly available. Beyond this, man's ability to bring these resources together in harmonious combination to assure bountiful production varies widely. Food cannot be produced in the asphalt jungles of our cities. Food cannot be produced in abundance in most of the nations of the world—for lack of moisture, humus, or knowledge.

Thus, a third requirement to assure food for all is trade. Trade—another word for it is "distribution"—can occur under many conditions. Theft and burglary are kinds of distribution. They are regarded as unacceptable in an orderly and peaceful world. Charity is another form of distribution. It is more widely approved, but it is far from universally accepted. Trade for credit and currency is the modern world's answer to the need to make food available to all the urban and rural peoples of the world.

Yet, our planners would deny those who produce the food and those who need it most a role in determining the terms of trade—either in the supermarkets or in the seaports of the world. Trade, they say, should be the province of giant corporations. These corporations are accountable only to their managers and their owners, barricaded in air-conditioned offices and walled estates, inaccessible to those whom they exploit—producers and consumers alike.

Their rationale is "free trade." Yet nowhere is clear evidence of its existence to be found. It is the business of corporations to *control* the the exchange of commodities, to assure "freedom" of prices to *rise*, but not to *fall* in response to supply and demand. And in every other country of the world, governments themselves are a significant factor in the food marketplace, even through farmer-controlled marketing boards.

Practically all of the farm commodities that are bought in the world market are either bought directly by governments—as in the Soviet Union and China and Japan—or under strict government control of prices, as in Europe. It is foolishly unrealistic for American farmers to imagine for a minute that they can compete effectively with other sellers, or bargain effectively with the buyers of farm commodities, in this kind of world market. Even with much stronger marketing cooperatives than farmers have today, American farmers on their own would be as helpless as babes in the woods against this kind of market reality.

There is no "free market." The corporate rationale for denying producers and consumers a role in determining the terms of trade is phony. Worse, it is *fraudulent*. The politicians and propagandists of the big food trading companies who use the term *know it is false.*

But that is not the end of their fraud They tell us another falsehood about ourselves. Sometimes with a phony sympathy they tell us that, well, perhaps supply management and price protection is necessary and the real world in which we live, but such a program will never get approval.

The reason, they say, is that such farm programs are "Democratic" proposals, and the Republicans won't have anything to do with them. This logic has made it possible for some conservative Democrats to compromise downward, or get off the hook entirely. *But it simply is not true that these are Democratic concepts.*

Have they lost their memories? Do they not recall Clifford Hope of Kansas, chairman of the House Agriculture Committee, for many years the senior Republican on that Committee, and known for decades as "Mr. Wheat" in Washington?

Don't they remember Charles McNary, a distinguished Republican who once carried his party's banner as its candidate for Vice President, the author of the pioneering McNary-Haugen farm program bill of the 1920s?

Are their memories so short that they have so soon forgotten George Aiken of Vermont, now preparing to retire from his position as senior Republican for nearly a generation on the Senate Agriculture Committee?

The farm program that provided the mechanisms for supply management and price support was a bi-partisan program. To ignore that is to revise history.

In closing, let me make one final point. It concerns the real world in which we live, not the vanished world of Adam Smith. It is not the world in which outraged colonists dumped tea in Boston Harbor in protest over taxation, but the real world of today when French farmers dump American meat overboard at LeHavre. In this *real* world, the United States is the greatest food producing nation on earth, a fact acknowledged by all. We are a peace-loving nation. I look with pride on our leadership in the cause of peace in the Middle East and Cyprus, and I commend Secretary of State Kissinger for his skill and dedication.

Where is our leadership in world agriculture? At this time when crisis looms, our agricultural leadership drags its feet, calling for business as usual, refusing the kind of compromises that must occur between nations in order to achieve agreements, whether for *peace*—or *plenty*.

THE EDUCATION AMENDMENTS OF 1974

Mr. DOMINICK. Mr. President, on July 31 the House passed H.R. 69, the Education Amendments of 1974, and sent the bill to the White House to be signed into law by the President. The Senate had passed the bill on July 24.

As the ranking Republican on the Education Subcommittee, I have been working on this bill in committee, on the Sen ate floor, and in conference for many months. I sincerely believe it to be possibly the most comprehensive and innonative piece of education legislation ever considered by the Congress.

The bill authorizes some $25 billion in Federal aid to education from fiscal years 1975 through 1978, roughly $6 billion per year. I might say that I hope my colleagues on the Appropriations Committee will see fit to appropriate amounts at or near the levels we have authorized, because I believe the continued greatness of our country rests on our educational system. Federal education programs are one of the best values we can get from our tax dollars.

Mr. President, everyone is aware that the heart of H.R. 69 is the title I program, which provides some $2 billion for aid—including $17 million for Colorado—to school districts, for the education of children from families with poverty level income. I believe most people are also aware

of the Impact Aid Funds provided to school districts to alleviate the tax losses suffered by those districts due to the presence of military or other Government employees.

What many people do not know is that there are many other programs authorized in this bill which will be having dramatic impact on our Nation's education programs for years to come. In my opinion, information about these programs is of great interest to our Nation's teachers, including the 31,000 elementary and secondary teachers in my State of Colorado.

Mr. President, I have carefully analyzed H.R. 69 and synopsized what I consider to be 12 of the less publicized programs, studies, and requirements which should be of interest to all of our Nation's teachers as they prepare for this fall's classes. These include—

First. Parents rights to inspect their childrens' school records;

Second. Program for gifted and talented children;

Third. Education for metric conversion;

Fourth. Studies on crime in the schools and athletic injuries;

Fifth. The national reading improvement program;

Sixth. The "community schools" concept;

Seventh. New bilingual education programs;

Eighth. Educational equity for women;

Ninth. Education of the handicapped;

Tenth. Career education;

Eleventh. Consolidation of certain education programs; and

Twelfth. Busing.

Mr. President, I ask unanimous consent that my analysis of these provisions be printed in the RECORD for the benefit of my colleagues in the Senate, who have not had the time to study H.R. 69 as I have, and for the benefit of our Nation's teachers who, incidentally, have done another outstanding job this year under difficult circumstances.

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

ANALYSIS OF SELECTED PROVISIONS OF H.R. 69—THE EDUCATION AMENDMENTS OF 1974

1. Parents will have the right to inspect their children's files, and the right to a hearing to contest their children's school records. Institutions denying parents this right will lose their federal educational aid.

Schools may not release children's records, other than to educational officials, without written parental consent.

All instructional materials used in school research or experimentation programs shall be made available for inspection by parents or guardians.

The parental rights transfer to the child at age eighteen. In legislating these rights, it was the Congress' belief that the privacy of students should not be invaded, nor should there be any threat of psychological damage to students from undue disclosure of school records.

2. The need to develop gifted and talented children has finally been recognized through the authorization of a $50 million program, to be spread over the next four years, to plan, develop, operate and improve programs and projects designed to meet the special educational needs of such children.

3. Education for the use of the metric system of measurement will be encouraged through grants for programs which hold promise of making a substantial contribution toward the purpose of metric education.

With the metric system of measurement in general use in industrially developed nations, increased use of this system in the United States is inevitable. Since there heretofore has been no existing federal program designed to teach children to use the metric system, the Congress believed such a program should be immediately established.

4. Studies on crime in the schools and on athletic injuries will be undertaken.

The "Safe Schools Study" will be made by the Secretary of Health, Education and Welfare to determine the incidence of crime and violence in elementary schools. The study will include the frequency, seriousness and number and locations of schools affected throughout the United States. More importantly, it will state the means by which such crimes are currently attempted to be prevented, and how they may be more effectively prevented in the future.

The "Study of Athletic Injuries" will be made to determine the number of injuries occurring in connection with athletic competition in secondary schools and in colleges, and the relationship of such casualties to the presence or absence of athletic trainers, both certified and non-certified.

5. A national reading improvement program will be established with the majority of the $293 million authorized over the next four years to be used for projects in schools with large numbers or high percentages of children with reading deficiencies.

Special emphasis projects will be undertaken to determine the effectiveness of intensive instructions by reading specialists and reading teachers.

Public television will be used to train elementary teachers who wish to become reading teachers or specialists under a one-year experimental program.

6. A community school program to provide educational, recreational, cultural, and other related community services has been established. These services will be provided in accordance with the needs, interests, and concerns of the community in cooperation with other community groups.

As the prime educational institution of the community, the school is most effective when its use involves the people of the community in a program designed to fulfill their needs.

7. Great concern with the need for bilingual education prompted the Congress to authorize a $580 million program over the next four years.

Bilingual education was defined as a program in which there is instruction in and study of English, and to the extent necessary to allow a child to progress effectively through the education system, in the native language of the children of limited English-speaking ability.

All courses or subjects, to the extent necessary, shall be included in the bilingual program, including art, music, and physical education.

Children whose language is English may enroll in bilingual programs, but in no event shall the purpose of the program be designed to teach a foreign language to English-speaking children.

Areas of greatest need will receive priority in the distribution of grants for bilingual programs by the Commissioner of Education. This means that Colorado, which is among the top five states in numbers of children of limited English-speaking ability, will receive strong emphasis under this program.

8. Educational equity for women in schools will be pursued. The Congress found that educational programs in the United States are frequently inequitable as they relate to women, and often limit their full participation.

The expansion and improvement of educational programs and activities for women has been mandated, and will be carried out through grants made to advance educational equity in many areas, including vocational education, career education, physical education, and educational administration.

A national comprehensive review of sex discrimination in education will be made, and the results will be reported to the newly created Advisory Council on Women's Educational Programs, to be located in the Office of Education in the Department of Health, Education and Welfare.

9. Full educational opportunity for the handicapped is the goal established by Congress, and some $630 million has been authorized for fiscal year 1975 for grants to states for education of the handicapped at preschool, elementary and secondary school levels.

Colorado will receive almost $7 million for the provision of full educational opportunities to its handicapped children. Grants will be distributed on the basis of $8.75 for each child in the state aged three to twenty-one inclusive.

10. Career education, with the goal of preparing every child for gainful employment and full participation in our society by the time he or she has completed secondary school, is a future educational goal. Some $60 million has been authorized over the next four years to meet this goal.

An office of career education will be established in the Department of Health, Education and Welfare, and grants will be made for the development of exemplary career education models, including models where handicapped children may receive appropriate career education.

Grants for demonstration projects to determine the most effective methods and techniques in career education will also be made to state educational agencies.

11. State and local educational agencies will have more to say about how Federal funds are to be spent under a provision in the bill providing for the consolidation of certain educational programs. In my opinion, this is a very important provision because it puts the decision-making power in the hands of state and local educators, who are the ones most aware of the particular educational needs of their state and school districts.

12. Changes in Federal law regarding busing were enacted by the Congress.

In the future, no child should be bused beyond the school next closest to his home, unless the court believes more extensive busing is needed to ensure constitutionally guaranteed civil rights.

Parents or school districts may seek to reopen busing orders, such as the one Denver is under, if the time or distance traveled is so great as to endanger the health of the children or impinge on the educational process.

Federal funds may not be spent for busing to achieve racial balance, except for so-called impact aid funds.

These provisions complemented the recent Supreme Court decision which reversed a lower court order calling for busing of children across school district lines in Detroit, Michigan, and 53 surrounding communities. The Supreme Court's decision will at least serve to keep the busing of children confined within each child's school district, and some believe this may be the first step to the eventual end of all busing to achieve racial balance.

RESOLUTIONS ADOPTED BY THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. ERVIN. Mr. President, at its 84th annual congress in Baltimore, Md., during the month of June 1974, the National Society of the Sons of the American Revolution adopted a number of resolutions which are of interest to many Americans. As a consequence, I ask unanimous consent that a copy of such resolutions be printed in the RECORD.

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

RESOLUTIONS ADOPTED BY THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

RESOLUTION NO. 1

Whereas, under the 1903 Treaty with Panama, the United States obtained the grant in perpetuity of the use, occupation and control of the Canal Zone territory with all sovereign rights, power and authority to the entire exclusion of the exercise by Panama of any such sovereign rights, power, or authority as well as the ownership of all privately held land and property in the Zone by purchase from individual owners; and

Whereas, the United States has an overriding national security interest in maintaining undiluted control over the Canal Zone and Panama Canal and solemn obligations under its treaties with Great Britain and Colombia for the efficient operation of the Canal; and

Whereas, the United States Government is currently engaged in negotiations with the Government of Panama to surrender United States sovereign rights to Panama both in the Canal Zone and with respect to the Canal itself without authorization of the Congress, which will diminish, if not absolutely abrogate, the present U.S. treaty-based sovereignty and ownership of the Zone; and

Whereas, these negotiations are being utilized by the United States Government in an effort to get Panama to grant an option for the construction of a "sea-level" canal eventually to replace the present canal, and to authorize the major modernization of the existing canal, which project is already authorized under existing treaty provisions; and by the Panamanian government in an attempt to gain sovereign control and jurisdiction over the Canal Zone and effective control over the operation of the Canal itself; and

Whereas, similar concessional negotiations by the United States in 1967 resulted in three draft treaties that were frustrated by the will of the Congress of the United States because they would have gravely weakened United States control over the Canal and the Canal Zone; and by the people of Panama because that country did not obtain full control; and

Whereas, the American people have consistently opposed further concessions to any Panamanian government that would further weaken United States control of either the Canal Zone or Canal; and

Whereas, many scientists have demonstrated the probability that the removal of natural ecological barriers between the Pacific and Atlantic oceans entailed in the opening of a sea-level canal could lead to ecological hazards which the advocates of the sea-level canal have ignored in their plans; and

Whereas, the Sons of the American Revolution believes that treaties are solemn obligations binding on the parties and has consistently opposed the abrogation, modification or weakening of the Treaty of 1903; Now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution in its 84th Annual Congress assembled, opposes the construction of a new sea-level canal and approves Senate Resolution 301 introduced by Senator Strom Thurmond and 34 additional Senators, to maintain and preserve the sovereign control of the United States over the Canal Zone.

RESOLUTION NO. 2

Whereas, the strength and stability of the economic and monetary system of the United States is vital to the defense of the country, and

Whereas, the fiscal and monetary policies of the Congress and Administration, present and past, have led to the devaluation of the dollar, double digit inflation, and the current economic crisis in the United States, and

Whereas, double digit inflation within is as great a threat, if not a greater threat, to the liberty and freedom and well-being of this country as the threat from our enemies without, and

Whereas, the basic cause of the rampant inflation is the deficit spending of the United States Congress, and

Whereas, under the Constitution of the United States, Congress is charged with the responsibility for all federal appropriations, and

Whereas, it is the urgent duty of the United States Congress to limit federal spending to the revenue of the Federal Government, Now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution in its 84th Annual Congress assembled, urges the Congress to balance the federal budget.

RESOLUTION NO. 3

Whereas, it was the national policy of the United States of America to intervene in Vietnam and prevent a Communist takeover of that country, and

Whereas, it is the duty of every American citizen to bear arms in support of the national policies of the United States, and

Whereas, a citizen of the United States is called upon to share the burdens of citizenship in order to insure its benefits for all citizens, and

Whereas, 40,000 young Americans fled to foreign countries to evade the military obligations of United States citizenship, now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution at its 84th Annual Congress assembled, is opposed to any granting of amnesty to those who refused to bear arms for their country and instead, fled to foreign countries to evade their military obligations.

RESOLUTION NO. 4

Whereas, this country was founded by God-fearing men and women and conceived in liberty, and

Whereas, men of all countries have been moved by the eloquence and high spiritual qualities of the Declaration of Independence, and

Whereas, the Bicentennial will be a focal point for a nationwide review, and reaffirmation of the values upon which this Nation was founded, and

Whereas, all businesses and private citizens should display the United States Flag daily during daylight hours except during inclement weather, and

Whereas, it is fitting for patriots to celebrate each Fourth fo July with prayer, music, fireworks and other expressions of joy and cheer, and

Whereas, it is the duty of every citizen and local community to take the initiative in planning a suitable commemoration of the Bicentennial, now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution at its 84th Annual Congress assembled, urges its members and all citizens to fly flags daily, to ring bells and blow automobile horns on the Fourth of July at a time to be set by each community as a suitable prelude to the Bicentennial.

RESOLUTION NO. 5

Whereas, we believe the Federal Government has entered upon a movement to eliminate basic rights and powers guaranteed to the states by the 10th Amendment to the Constitution, in particular the control of education and public schools, the control of land, the extension of jurisdiction of the federal judiciary, the weakening of state criminal law enforcement by the imposition of untenable federal standards that result in interminable trials and sheer technicalities that often show more concern for the criminal than for the innocent victim and the long-suffering public, to name a few, now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution at its 84th Annual Congress assembled, recommends that our state governors and legislators resist these federal encroachments upon state sovereignty and oppose the extension of federal grants and Supreme Court decisions.

RESOLUTION NO. 6

Whereas, hostile foreign nations desire to obtain advanced American technology during a period of our history entitled "detente," and

Whereas, the sharing of our technology with unfriendly foreign powers will weaken this country's power and protection of the free world, and

Whereas, the joint exploration of space with any foreign nation will result in the release of technical information vital to the defense of this nation, and

Whereas no foreign power has been successful in its man-in-space program, now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution, in its 84th Annual Congress assembled, opposes in general the sharing of any of our technology with unfriendly foreign nations and in particular the sharing of our man-in-space capability with any foreign power, and recommends that all federal agencies should intensify efforts to prevent the dissemination of critical technology to any foreign power.

RESOLUTION NO. 7

Whereas, the National Society, Sons of the American Revolution supports proper commemoration and celebration of the American War of Independence which gained the 13 Original Colonies their freedom; and

Whereas, the Battle of Cowpens, fought in South Carolina near the present village of Cowpens was a major victory for loyal Americans in their fight for liberty; and

Whereas, the Federal Government has appropriated certain funds for the improvement and enhancement of the Cowpens Battleground site; and

Whereas, the effect of monies spent will be much more effective and widespread, and of longer duration, if a permanent annual celebration is held at the Battleground; now, therefore, be it

Resolved, that the National Society, Sons of the American Revolution in its 84th Annual Congress assembled, favors allocation of an adequate portion of available funds for the construction of a suitable amphitheater which will be made available for the production of an annual outdoor drama based upon the Battle of Cowpens and surrounding events, so that the people of America will have a better opportunity to become more conversant with the great deeds of our illustrious ancestors.

RESOLUTION NO. 8

Whereas, Professional Standards Review Organization (PSRO) was established as a rider attached to the Social Security Law of 1972 without public hearings or proper consideration; and

Whereas, confidential medical records of every patient under any of the numerous government-sponsored health care programs will be open to PSRO inspectors; and

Whereas, "norms" set by the Department of Health, Education and Welfare, after examination of all patient records, will change the concept of health care, nullifying doctor-patient privacy preventing full use of the doctor's knowledge, experience and training; and

Whereas, PSRO can overrule a doctor's decision in prescribing, hospitalization, or operating under penalty of fine and suspension from medical practice; now, therefore, be it

Resolved, that the National Society, Sons of the American Revolution at its 84th Annual Congress assembled, supports the adoption of H.R. 9375, or similar resolutions, which would repeal the provisions of the Social Security Act which violate the confidentiality of the doctor-patient relationship which would be contrary ot numerous state statutes, contrary to professional ethics, and which would lead to federal control of medicine.

RESOLUTION 9

Whereas, there is pending in the United States Congress a resolution sponsored by Senator Harry Flood Byrd, Jr., of Virginia in which Senator William Scott of Virginia has also joined as a co-sponsor, to restore the citizenship of General Robert E. Lee, Now, therefore, be it

Resolved, that the National Society, Sons of the American Revolution at its 84th Annual Congress assembled, joins in with the purpose and spirit of this pending Congressional resolution.

RESOLUTION NO. 10

Now, therefore, be it *resolved*, That the National Society, Sons of the American Revolution at its 84th Annual Congress assembled, reiterates and reaffirms that all previous resolutions adopted at prior Congresses be reaffirmed.

RESOLUTION NO. 11

Whereas, the 84th Annual Congress of the National Society, Sons of the American Revolution has been successful in every respect, and

Whereas, that success has been due to the efforts of those who planned and took part in the program, now, therefore, be it

Resolved by the National Society, Sons of the American Revolution, That it hereby expresses its gratitude and deep appreciation:

1. to the President General for his able leadership,
2. to the officers, chairmen and members of their committees
3. to the loyal headquarters staff for their constant effort in providing an efficient operation,
4. to the speakers, Compatriot (Dr.) Norman Vincent Peale and the Honorable J. William Middendorf, II, Secretary of the Navy, for their inspiring addresses,
5. to the United States Navy; Joint Armed Forces (Pentagon); Colonial Guard, 175th Infantry; United States Marine Corps and the Commander-in-Chief's Guard Colors, U.S. Army, for furnishing color guards.
6. to the United States Marine Band, the United States Army Soldiers' Chorus, the Chorus of the Chesapeake, and the U.S. Navy Sea Chanters for furnishing music and entertainment,
7. to the press, radio and television for their coverage of the Congress,
8. to the Maryland Society for its contribution to a successful 84th Annual Congress,
9. to all individuals who contributed to the success of this Congress.

WILLIAM M. HOUCK, FORMER MARYLAND LEGISLATOR

Mr. MATHIAS. Mr. President, when I entered the General Assembly of Maryland in 1959 one of my colleagues in the delegation from Frederick County was William M. Houck. In the days that followed, as Bill Houck and I learned the legislative process, we became close friends. Although we have always sat on the opposite side of the political aisle, we have continued our friendship without interruption.

It is with great sorrow and regret that I have learned of his death. He will be very much missed by a wide circle of friends and by his family.

I want to extend my sympathies particularly to his wife Ruth and to his children.

I ask unanimous consent that an article from the Sun today reporting his death and outlining some aspects of his public service be printed in today's RECORD.

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

W. M. HOUCK, EX-OFFICIAL OF STATE, DIES

MYERSVILLE, MD.—Funeral services for William M. Houck, a longtime state Democratic leader and recently retired state deputy secretary of budget and fiscal planning, will be held at 2 P.M. tomorrow at the Bittle funeral establishment here.

Mr. Houck died Wednesday at University Hospital after a long illness. He was 54.

Governor Mandel yesterday called the death of Mr. Houck "not only a personal loss to me but also a loss to the state of Maryland."

"Bill Houck was one of my closest and dearest friends throughout many years of public service—both in the General Assembly and in my administration," Mr. Mandel added.

SERVED AS STATE TROOPER

He was born in Keyser, W. Va., and attended public schools in Garrett county. Mr. Houck also attended what was then the Frostburg (Md.) State Teachers College.

In 1941, he became a state trooper and served in the State Police force for six years.

Mr. Houck then worked as a life insurance salesman for the Lincoln National Life Insurance Company, while he became increasingly involved in civic affairs.

For a while, Mr. Houck was also in the security and intelligence division of the Army.

In 1949 and 1950, he served as a trial magistrate in Thurmont, Md., and from 1953 to 1954 as a member of the town council.

Mr. Houck was a member of the House of Delegates, representing Frederick county, from 1959 to 1970, when he decided not to seek reelection.

While in Annapolis, he served as majority floor leader for three years and as chairman of the House Ways and Means Committee for four years.

LOST SPEAKER BID

In 1969, when the General Assembly elected Marvin Mandel to succeed Spiro T. Agnew as governor, Mr. Houck lost a bid to become speaker to Delegate Thomas H. Lowe (D., Talbot).

Mr. Houck left the Legislature in 1970 to become chief of the Bureau of Fiscal Planning in the newly established state Department of Budget and Fiscal Planning.

In that capacity, Mr. Houck was responsible for charting future state revenues and expenditures, assessing the state's ability to handle long-term debt, and reviewing its tax structure.

Governor Mandel appointed him deputy secretary of the department in January, 1973, replacing Dr. R. Kenneth Barnes, who became the department's secretary.

He retired in April, 1974.

Mr. Houck was a member of the St. Martin's Lutheran Church, in Annapolis, and had been a member of the Lions Club, the American Legion and the Benevolent and Protective Order of Elks.

He is survived by his wife of 31 years, the former Ruth Wachtel; two sons, William W. Houck, of Laurel, and John M. Houck, of Gaithersburg, Md.; a daughter, Jean Houck, of Annapolis; a brother, Robert L. Houck, of Swickley, Pa., and four sisters, Elizabeth Houck, of New Brunswick, N.J., Mrs. Helen R. Stone, of Annapolis, Mrs. Mary A. Hoffelt, of Columbus, Ohio, and Mrs. Ruth R. Rephan, of Frostburg.

BINARY NERVE GAS WEAPONS

Mr. KENNEDY. Mr. President, the issue of chemical weapons in the American defense arsenal has never been fully aired by the Congress. Although the use of poison gas in warfare has been outlawed by international agreement since World War I, we have built up enormous stocks of all kinds of chemical weapons, from the most lethal nerve agents, to incapacitating ones, to tear gas used in riot control.

Various international agreements have been proposed to limit chemical warfare. Although the executive branch has agreed to sign an international ban on the production, stockpiling, and use of offensive biological, or bacteriological, weapons, it has not yet agreed to sign a similar ban on chemical weapons, even though it has expressed this country's intent not to be the first to use lethal chemical weapons.

Our current offensive chemical stocks are more than adequate to kill potential enemy populations many times over, and there is no need to add to these stocks. It would make much more sense for the United States to concentrate on defensive tactics against such weapons, as the Soviet Union does and as even the biological weapons ban permits, rather than to continue an offensive strategy based upon a threat of futile retaliation.

Mr. President, a unique opportunity for Congress to make a contribution to the beginnings of an international agreement on chemical weapons presents itself in the Department of Defense fiscal year 1975 appropriations bill now before it. Some $5.8 million has been requested for preproduction facilities to procure additional lethal nerve gas weapons, a program which could cost as much as $2 billion.

The House Foreign Affairs Committee has held extensive hearings on the entire chemical warfare issue and produced considerable testimony arguing against a congressional authorization for the Department of Defense to go into a new phase of chemical warfare weaponry at this time. The House Appropriations Committee is debating the issue today. And at least 55 Representatives have announced their intent to carry the issue on the House floor when the Defense appropriations bill is considered next Tuesday.

Here in the Senate 13 Senators, including myself, recently urged our Appropriations Committee to delete the requested funding for the new lethal nerve gas weapons. We have been particularly encouraged by the facts that: First, the administration has not decided whether it would use such funds this fiscal year;

second, Dr. Fred C. Ikle, Director of the U.S. Arms Control and Disarmament Agency, has stated that such congressional funding at this time would undermine current efforts in Geneva to negotiate an international chemical weapons treaty; third, the United States has just proposed a draft agreement in Geneva whereby a ban on lethal chemical weapons—which is what the Congress is now being asked to consider—would be the first phase of an eventual more comprehensive international chemical weapons agreement.

Mr. President, I urgently hope that our Appropriations Committee, and the entire Congress, will postpone funding of the new family of lethal nerve gas weapons.

The fact that the new family of lethal nerve gas weapons will be packaged in a "binary" mode should not distract us from the primary strategic and moral considerations inherent in any decision to continue, and now increase, our national stockpile of such weapons.

The United States should be taking the lead in world arms control agreements, not encouraging a dangerous proliferation of indiscriminate weapons, as it would be doing in this case if Congress appropriated the funds for additional lethal nerve gas weapons now.

Perhaps the most disturbing element of all is the potential proliferation of this cheap but deadly chemical weapon. The Washington Post aptly warned that binary chemical weapons "possess an all too scary potential for getting into the hands of terrorists or of countries looking for a hot weapon on the cheap."

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to the chairman of the Appropriations Committee, and an editorial in this morning's Washington Post.

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

U.S. SENATE,
Washington, D.C., June 21, 1974.

Hon. JOHN L. MCCLELLAN,
Chairman, Appropriations Committee, Washington, D.C.

DEAR MR. CHAIRMAN: We are deeply concerned over the implications of the Department of Defense's appropriations request for production of binary nerve gas weapons. The House of Representatives and the Senate both have passed legislation reinforcing the Armed Services Committees' decision to cut $1.9 million from advanced research for the binary program. Also, the House Committee on Foreign Affairs recently completed extensive hearings which raised a number of serious concerns about the binary program. Therefore, appropriating funds to begin actual production of binary munitions deserves all the more scrutiny.

It is our belief that such appropriations should not be approved for the following basic reasons: First, this country already has enormous quantities of nerve gas. The U.S. Army stockpiles now contain an estimated 400 million pounds of nerve gas, amounting to 25 trillion doses—enough to kill the entire world population 300 times over, according to expert testimony. Second, nerve gas weapons are of doubtful value as a deterrent to attack.

The primary argument supporting the use of lethal chemical weapons is that other nations will be deterred from initiating a nerve gas attack against the U.S. because of our ability to retaliate. However, this argument was developed and nerve gas stockpiles begun, before this nation, and other nations, had developed the enormous nuclear capability which now exists in the world. Furthermore, serious questions were raised in recent House hearings—as to whether the threat of retaliation with nerve gas weapons constitutes a valid deterrent.

During those public hearings, the representatives of the Department of Defense stated that the Soviet Union is believed to have a nerve gas defensive capability superior to that of the United States. It appears doubtful that the United States has the defensive capability to fight and operate in a nerve gas environment. Therefore, it appears that we essentially rely on our nuclear capability as a response to a massive nerve gas surprise attack and as a deterrent against such an attack.

We make this point not because we desire to support a policy of immediate escalation to nuclear warfare but because these facts reveal an inherent fallacy in national security policy which procurement of binary nerve gas weapons will not alleviate. If the Congress grants the funds to build binary munitions, it would be advancing nerve gas weapons which have already cost this nation several hundreds of millions of dollars without any evidence that they contribute anything to the security of the United States. Authorizing their transference into a "binary" mode would likely delay the destruction of nerve gas stocks.

The only justification for this proposal is that the binary munition will be safer to manufacture and handle in storage and transportation. In the absence of any real evidence of the value of any nerve gas weapon to the security of this nation and our historic abhorrence of such weapons, this argument for safety in handling seems to us to be a poor justification for production.

Third, we are concerned about the possible effect of such weapons on treaty negotiations in Geneva and the risk of international proliferation of nerve gas warfare capabilities.

The relatively great reduction in the hazard of manufacturing a nerve agent munition provided by the binary concept may be the very incentive to encourage smaller nations to add this weapon to their arsenal. We would seek instead to take every measure to prevent the proliferation of nerve gas weapons and not encourage such developments by our example.

We do not believe that the Department of Defense has examined thoroughly the total impact on current international negotiations of the proposed production of the binary nerve gas weapon. Moreover, the public record suggests that a serious disagreement exists between the Department of Defense and the Department of State with regard to the binary nerve gas weapon proposal. Indeed, the Administration has not decided to use the production funds this year, so there is no sense in authorizing those funds until that decision has been thoroughly reviewed.

Certainly, we are convinced this nation needs to maintain and improve its chemical warfare defensive capability. A strong and effective defense has more immediate and obvious advantages than developing an ability to respond in kind to a surprise nerve gas attack. However, the vast stockpiles of lethal nerve gas weapons we now possess, their doubtful military effectiveness, the possibility of encouraging proliferation, and the threat to international arms control agreements are sufficient reasons, we believe, to withhold the production of new binary nerve gas weapons.

Accordingly, we recommend strongly against the approval of the $5.8 million requested by the Department of the Army for the initiation of procurement of the binary nerve gas weapon, as well as disapproval of any other funding which may have been requested for the support of this production.

Sincerely,

Edward M. Kennedy, Adlai E. Stevenson, III, Edmund S. Muskie, Walter F. Mondale, Hubert H. Humphrey, William Proxmire, Gaylord Nelson, James Abourezk, Thomas F. Eagleton, Lowell P. Weicker, Jr., Mike Mansfield, Floyd K. Haskell, Lee Metcalf.

[From the Washington Post, Aug. 1, 1974]

MUST WE WAGE CHEMICAL WAR?

In votes today and next Tuesday, the House must decide whether to plunge ahead with a program that may keep the United States ready to wage chemical warfare for years to come, or whether to pause and study this especially dread form of warfare more thoroughly and explore new opportunities to limit or even ban it on an international basis. Specifically, the program at issue involves $5.8 million this year (as much as $2 billion later) to start producing a "binary" chemical weapon, a new safer-to-handle method for delivering nerve gas. Generally, the program poses to Congress perhaps its first good opportunity—and if missed, its last opportunity for a long time—to break the monopoly which special interests in the Pentagon have maintained for a full generation over the nation's policies on CW.

The key facts on binaries were brought out last spring in hearings of the House Foreign Affairs Committee. The United States has huge stockpiles of deadly nerve gas so, as Rep. Donald Fraser (D-Minn.) recently put it, "we are not examining this problem from a position of weakness." The small CW lobby within the Pentagon professes to see a looming offensive CW threat. But, in fact, American military commanders apparently disagreeing with this estimate have chosen not to prepare to defend against it. And administration officials, while asking for funds to start procuring binaries, concede that full preliminary open-air testing has not been conducted. That is, the United States has on hand enough nerve gas to kill every person in the world several times over. Its military posture reflects a judgment that the Soviet Union does not intend a CW attack. And it has not completed tests on the new binaries it wishes now to procure.

If the military reasons for delay on binaries are strong, the diplomatic reasons are more so. Discussions on controlling chemical weapons—production, stockpiling, use—have been chugging along at Geneva for years. They were given a healthy push at the Moscow summit just a month ago when Mr. Nixon and Mr. Brezhnev agreed to seek "early progress" on an agreement "dealing with the most dangerous, lethal means of chemical warfare." This means nerve gas if it means anything. The administration's arms control director Fred C. Ikle has repeatedly warned Congress that production of binaries would undermine efforts to negotiate international CW controls. Indeed, to launch a massive new CW program now is to make a mockery of Mr. Nixon's summit pledge, itself specifically reaffirmed since then by his ambassador at Geneva. That binary funds should be sought at all, after that summit pledge, is a perverse tribute to the way bureaucratic momentum can substitute for policy at the Pentagon. Careful students of arms control make the further point that binaries, being relatively inexpensive and simple to make, possess an all too scary potential for getting into the hands of terrorists or of countries looking for a hot weapon on the cheap.

The House Appropriations Committee is to vote today on the binary money. Since Rep. George H. Mahon (D-Tex.), the committee chairman, also chairs its defense subcommittee, which has already approved the

money, perhaps the best that can be hoped for in the committee is for it to add language somehow hinging the appropriation to CW negotiations at Geneva. Certainly there is no justification for spoiling those negotiations, even before the promised Nixon-Brezhnev initiative is taken, by charging ahead on binaries. At any rate, the full House is due to address the question next Tuesday. Some 50 or more legislators have already approved a useful resolution by Rep. Wayne Owens (D-Utah) urging movement on both the biological warfare and chemical warfare fronts. So there is a better chance to gain control of binaries on the House floor. It is a fight well worth making.

WATER POLLUTION CONTROL ACT

Mr. HUGH SCOTT. Mr. President, I am delighted that the Committee on Appropriations, in a report submitted by Senator BYRD of West Virginia, has recommended an appropriation of $10 million for the continuation of a water pollution fund.

This fund, established in 1971 by the Federal Water Pollution Control Act, provides Federal money for the immediate cleanup of oil and other hazardous materials spilled into the waters of the United States, adjoining shorelines, on waters of the continguous zone. The balance of the fund has decreased sharply since its inception, particularly in 1973, when Hurricane Agnes caused severe damages resulting in approximately $3 million in unrecoverable expenses.

I commend the committee for their recommendation of allocations, for this important fund which provides vital protection for the waters of the United States.

BECKLEY, W. VA., COAL FESTIVAL

Mr. ROBERT C. BYRD. Mr. President, on Monday, September 5, through Thursday, September 8, the first official State coal festival in West Virginia's history will be held in Beckley, W. Va., in my home county of Raleigh. In view of my State's preeminence in the production of bituminous coal, it seems to me altogether fitting that this enterprise is being undertaken. It is especially significant at this time, I think, because of the resurgence of coal's importance in our Nation's overall energy picture.

This, of course, is not the first time that exhibits and shows based upon bituminous coal have been put on in West Virginia. There have been many such events, among them the well-known Bluefield Coal Show, which was widely attended by equipment manufacturers and dealers, and other leaders of the coal industry. That event, however, has not been held since 1962. But there have been other displays and activities related to coal in such places as Charleston, the State's capital, and in Beckley in the 1930's.

The significance of the new festival is that the State itself has designated it as the official State event publicizing the industry that is the backbone of West Virginia's economy. Its sponsors have incorporated as U.S. Coal Festivals, Inc., and elaborate plans are now going forward to make this an outstanding public event.

For that reason, I wish to call the Beckley Coal Festival to the attention of my colleagues in the Senate and the House of Representatives, and to assure them that any who attend will receive a Federal Water Pollution Control Act, warm welcome indeed. Moreover, I am confident that all who visit this exhibit and its attendant functions will be impressed by the technological progress that is being made by the bituminous coal industry in its role as our Nation's most basic and most abundant supplier of energy.

Beckley is the center of one of the oldest coal fields in my State as well as one of the newest and most modern. New multimillion dollar coal operations are being opened in the Beckley area; the new U.S. Mine Health and Safety Academy, which will train personnel for work in the mines, is under construction; and other coal-related activities—such as an exhibition mine for tourists—make Beckley truly a bituminous coal capital.

Of interest to the general public in the forthcoming festival will be a coal parade, motor car racing, high school football, open house at equipment manufacturers, and the dedication of the new Maple Meadow Mine of Cannelton Industries at Fairdale. Additionally, there will be street entertainment, a tennis tournament, coal-oriented exhibits, a retired persons reunion, a coal-loading contest, and art displays.

The welcome mat and the latch string will be out, and I believe that all who visit Beckley for these events will be well rewarded. I want to take this occasion, before I conclude these brief remarks, to commend and compliment all who have worked to make this first official State coal festival a reality. Coal is making a well-deserved comeback for the simple reason that it is basic and essential to the American economy, and the sponsors of the Beckley Coal Festival are doing their part in that vital rejuvenation.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday next.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, may I ask the Chair, has an order been entered for the recognition of Mr. PROXMIRE on Monday next?

The PRESIDING OFFICER. It has.

Mr. ROBERT C. BYRD. Have orders been entered for the recognition of any other Senators on Monday?

The PRESIDING OFFICER. Only the majority and minority leaders.

Mr. ROBERT C. BYRD. That is under the standing order?

The PRESIDING OFFICER. Yes.

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, after the Senator from Wisconsin (Mr. PROXMIRE) has been recognized under the order previously entered, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each.

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

ORDER FOR CONSIDERATION OF HUD APPROPRIATIONS, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on Monday next, the Senate proceed to the consideration of H.R. 15572, the bill making appropriations for the Department of Housing and Urban Development.

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

ORDER RESTRICTING ROLLCALL VOTES ON MONDAY TO NOT EARLIER THAN 3:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be no rollcall votes on Monday next prior to the hour of 3:30 p.m.

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

ADJOURNMENT TO MONDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 o'clock noon on Monday next.

The motion was agreed to; and at 1:23 p.m. the Senate adjourned until Monday, August 5, 1974, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate August 2, 1974:

DEPARTMENT OF STATE

Philip C. Habib, of California, a Foreign Service officer of the class of Career Minister, to be an Assistant Secretary of State.

U.S. COURT OF MILITARY APPEALS

William Holmes Cook, of Illinois, to be a judge of the U.S. Court of Military Appeals for the remainder of the term expiring May 1, 1976, vice William H. Darden, resigned.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Robert Armstrong Anthony, of New York, to be Chairman of the Administrative Conference of the United States for a term of 5 years, vice Antonin Scalia.

IN THE AIR FORCE

The following-named officers for promotion as a Reserve of the Air Force, under the appropriate provisions of chapters 35 and 837, title 10, United States Code.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Joyner, Jere P., [redacted]

CHAPLAIN CORPS

Marshall, Gerald W., [redacted]

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captain (Medical)

Dumas, Paul A., [redacted]

To be first lieutenant (Dental)

Engelmeier, Robert L., [redacted]
Hill Robert L., [redacted]
Rome, William J., [redacted]

To be first lieutenant (Dental)

Benenati, Fred W., [redacted]
Waldrop, Thomas C., [redacted]

The following-named Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, under the provisions of section 1210 and 1211, title 10, United States Code:

LINE OF AIR FORCE

To be colonel

De Sandros, Louis J., [redacted]

To be lieutenant colonel

Lakeman, Lyndon F., [redacted]
Robertson, Howard N., [redacted]

To be captain

Hokins, Albert H., [redacted]

The following-named Air Force officer for reappointment to the active list of Regular Air Force, in the grade of colonel, Regular Air Force, under the provisions of sections 1210 and 1211, title 10, United States Code with active duty grade of temporary brigadier general, in accordance with sections 8442 and 8447, title 10, United States Code:

To be colonel

Segura, Wiltz P., [redacted]

The following-named Air Force officer for reappointment to the active list of the Regular Air Force, in the grade of major, Regular Air Force, under the provisions of sections 1210 and 1211, title 10, United States Code with active duty grade of temporary lieutenant colonel, in accordance with sections 8442 and 8447, title 10, United States Code:

LINE OF THE AIR FORCE

Welch, William J., Jr., [redacted]

The following-named persons for appointment as Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation as medical officers, under the provisions of section 8067, title 10, United States Code:

MEDICAL CORPS

To be colonel

Bacon, Glenn A., [redacted]
Conley, Charles C., [redacted]
Malone, Franklin J., Jr., [redacted]
Manley, Charles G., [redacted]
Metcalf, John S., Jr., [redacted]
Orr, Samuel R., [redacted]
Sachs, David (NMN), [redacted]
Snedeker, James R., [redacted]
Waldmann, Robert P., [redacted]

To be lieutenant colonel

Almand, James R., Jr., [redacted]
Statti, Thomas F., [redacted]
Suarez, Pura N., [redacted]

The following-named officer for promotion in the Regular Air Force under appropriate provisions of chapter 835, title 10, United States Code, as amended. Officer is subject to physical examination required by law:

LINE OF THE AIR FORCE

First lieutenant to captain

Graser, John C., [redacted]

The following-named persons for appointment as temporary officers in the U.S. Air Force, in the grade indicated, under the provisions of sections 8444 and 8447, title 10, United States Code, with a view to designation as medical officers, under the provisions of section 8067, title 10, United States Code.

MEDICAL CORPS

To be lieutenant colonel

Anderson, Duane D., [redacted]
Brichta, Edgar S., [redacted]
Dear, Steven R., [redacted]
Del Priore, Joseph A., [redacted]
Huitt, Carlton D., [redacted]
Rollyson, John D., [redacted]
Statti, Thomas F., [redacted]
Suarez, Pura N., [redacted]
Uhrman, Richard A., [redacted]

The following-named officer for appointment as a Reserve of the Air Force, in the grade indicated, under the provisions of sections 593 and 1211, title 10, United States Code:

LINE OF THE AIR FORCE

To be lieutenant colonel

Shea, Jerrold J., [redacted]

IN THE NAVY

Vice Adm. Vincent P. de Poix, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE MARINE CORPS

I nominate Lt. Gens. Foster C. LaHue, George C. Axtell, and Robert P. Keller, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, U.S. Code, section 5233.

Having been designated, in accordance with the provisions of title 10, U.S. Code, section 5232, Maj. Gens. John N. McLaughlin, Edward S. Fris, and Robert L. Nichols, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

CONFIRMATIONS

Executive nominations confirmed by the Senate, August 2, 1974:

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Winton W. Marshall, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE ARMY

The following-named Army Medical Department officer 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 brigadier general, Medical Corps

Col. John W. White, [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Howard Wilson Penney, [redacted], Army of the United States (major general, U.S. Army).

IN THE NAVY

Vice Adm. Frank W. Vannoy, U.S. Navy, for appointment to the grade of vice admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Kenneth R. Wheeler, Supply Corps, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. William W. Behrens, Jr., U.S. Navy, for appointment to the grade of vice admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. John P. Weinel, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

EXTENSIONS OF REMARKS

AMERICAN LEGISLATIVE EXCHANGE COUNCIL TO MEET IN CHICAGO THIS MONTH

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, August 2, 1974

Mr. HELMS. Mr. President, later this month a bipartisan group of conservative State legislators from across the country will meet in Chicago at a conference of the newly formed American Legislative Exchange Council. These legislators are uniting to try to reverse the trend toward greater and greater centralization of power in Washington. They will try to revitalize our Federal system by strengthening State government.

The Federal Government, in their view, and mine, is not only too far removed from—and insensitive to—the problems of education, taxation, welfare reform, crime, et al.; these legislators are convinced, and I agree, that the Federal Government is the cause, all too often, of the very problems which the States are called upon to solve. Worse, Federal bureaucracy too often discourages action by the States and local governments.

But reversing the present flow of authority and power toward Washington, D.C., will not likely be accomplished by action at the Federal level. It is the exception, rather than the rule, when any level of government readily relinquishes even a part of its authority. It is demonstrable that governmental powers have a momentum all their own.

Thomas Jefferson is credited with the precept that the government is best which governs least. I wholeheartedly concur. I do not believe that the cradle-